



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, JUNE 5, 2012

No. 83

## House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
June 5, 2012.

I hereby appoint the Honorable ADRIAN SMITH 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 1:50 p.m.

### WHAT WOULD RONALD REAGAN DO?

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

Mr. CONNOLLY of Virginia. Mr. Speaker, when we look at this economy, we should ask: What would Ronald Reagan do? When he took office in 1981, President Reagan inherited an economy in deep recession. During the past 3 years, we've heard a number of current Republicans laud the accomplishments of Ronald Reagan in spurring economic recovery during that decade.

As they often point out, President Reagan cut taxes. Of course, so did President Obama. The Recovery Act, which I proudly supported, cut taxes for 95 percent of all Americans, averaging \$400 for individuals and \$800 for families. When that tax cut expired—and when Republicans refused to extend it—I was again proud to join President Obama to enact the payroll tax cut, averaging \$1,000 per family. But tax cuts alone do not make a robust recovery.

The other notable thing Ronald Reagan did was preside over a Nation with a sharp increase in public sector employment from local, State, and Federal levels. Because, while today's Republicans may try to argue otherwise, teaching jobs are jobs; firefighters have real jobs; police jobs are jobs. In fact, three of the last four economic recoveries had one thing in common: public sector employment increased. Two and a half years into the recovery from 2001, total public sector employment was 1 percent higher; 2½ years into the recovery from the 1980 recession, total public sector employment was 3 percent higher. And 2½ years into the recovery from the 1980 recession, total public sector employment under Ronald Reagan was almost 3½ percent higher than it was at the start of the recovery.

In contrast, today's recovery from the recent recession has seen total public sector employment decrease by 2.5 percent, largely because the Republicans have gotten their way in trying to shrink the public sector. Real jobs were lost. Had total public sector employment merely held steady over the last 2½ years, the unemployment rate today would be 7.8 percent, not 8.2. But instead, we've lost 600,000 public sector jobs: teachers, police officers, firefighters, librarians, and other dedicated public servants. If the goal truly were to foster a robust economic recovery, you'd think today's Republicans

would be looking at how the Nation worked its way out of previous recessions. But, obviously, that's not the case.

Last September, President Obama put forward the American Jobs Act, a proposal to cut taxes on workers and businesses to incentivize hiring and to fund necessary infrastructure improvements. Economists predicted the American Jobs Act would have added up to 1 million new jobs and spurred GDP growth by an extra 1.5 percent.

These are proposals that have traditionally earned bipartisan support. For example, one of the single largest infrastructure projects ever was under the creation of President Dwight D. Eisenhower, the interstate highway program. In 1982, while he was still working toward economic recovery, Ronald Reagan proposed a highway and bridge repair program to create jobs in the public sector. But, sadly, Republican opposition has kept the American Jobs Act from even coming to the floor for a vote.

Many Republicans decried the use of additional revenue to help offset any increase in national debt. Apparently, they forgot that when faced with rising deficits, Ronald Reagan looked to revenue increases, broadening the tax base, closing loopholes, and raising taxes. Yes, he raised taxes in 1982, 1984, 1985, 1986, and 1987.

It's unfortunate that today's Republicans have lost sight of the value of investing in America in a fiscally responsible manner, because the Nation's construction industry has been the hardest hit. America lost more than 2 million construction jobs in the recession that began in 2007.

Infrastructure investments don't just create jobs, they also repair dangerous bridges and make our roadways safer. They build needed schools to lessen overcrowding; they renovate hospitals and improve water treatment plants.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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As part of the Recovery Act, we enacted the Build America Bonds program that leveraged \$4 billion in Federal funds to \$181 billion in private sector funding, completing more than 2,000 projects in every State in the country. I introduced a bill to extend this successful program because there remain unmet needs in our communities, and there are millions of construction workers awaiting the opportunity to return to work and communities that would benefit from the projects. We haven't even had a hearing on that bill.

Mr. Speaker, Dwight Eisenhower did not subscribe to the current Republican mantra that investing in America was something to be shunned. Ronald Reagan did not share the current Republican dictum that serving one's country in public service is somehow a less-than-noble endeavor and the way to prosperity is through devastating cuts to the public sector.

Congress must act to ensure long-term fiscal responsibility, but it should not come at the expense of millions of Americans struggling to get back to work. As we contemplate our economic policies, we really should ask: What would Ronald Reagan do?

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SMITH of Nebraska) at 2 p.m.

#### PRAYER

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

Loving and gracious God, we give You thanks for giving us another day.

We ask today that You bless the Members of this assembly, to be the best and most faithful servants of the people they serve. Purify their intentions, that they will say what they believe and act consistent with their words.

May they be filled with gratitude at the opportunity they have to serve in this place. We thank You for the abilities they have been given to do their work, to contribute to the common good. May they use their talents as good stewards of Your many gifts and thereby be true servants of justice and partners in peace.

As elections across our Nation highlight the competition of ideas, grant that those who sit in the people's House will place the good of our Nation and its citizens above political gain. It

is a difficult task—all the more, it is why we ask Your grace during these days.

May all that is done be for Your greater honor and glory.

Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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.

#### UNEMPLOYMENT RATE IS MUCH HIGHER THAN ADVERTISED

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

Mr. WILSON of South Carolina. Mr. Speaker, the President's policies are failing our families and destroying jobs. Since the President was sworn into office in January 2009, our citizens have lost a net of 740,000 jobs, as was discovered on Friday.

For the past 40 months, the unemployment rate has remained above 8 percent. Sadly, during the month of May, this rate increased from 8.1 percent in April to 8.2 percent. The biased liberal media can no longer conceal the truth of the President's failed policies.

And to make matters worse, if the number of Americans who want to work but have stopped looking for a job and those who are forced to work part-time were factored into the equation, the real unemployment rate would rise to 14.8 percent.

House Republicans have passed over 30 bipartisan bills which would promote job creation. I urge my colleagues in the Senate to take immediate action on these pieces of legislation and help put American families back to work.

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

#### QUEEN ELIZABETH II'S DIAMOND JUBILEE

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

Mr. KUCINICH. This year marks the Diamond Jubilee—the 60th year—of Queen Elizabeth II's reign as Monarch

of the United Kingdom. As our closest relation, it's only fitting that we join the United Kingdom in celebrating the Queen's Diamond Jubilee.

Queen Elizabeth II's coronation as Queen was on June 2, 1953—when she was just 25 years old—following the death of her father, King George IV.

Her Majesty is the second-longest-serving Monarch in British history. She has conducted regular meetings with every British Prime Minister since Winston Churchill. She serves as a patron of over 600 charities. Over the last 60 years, she has conducted 261 official visits to 116 different countries. Her Majesty has received eight Presidents of the United States and made five State visits to the U.S. Last year, she became the first British Monarch since 1911 to visit the Republic of Ireland, a significant and historic move for peace and reconciliation.

Throughout decades of change, Her Majesty, Queen Elizabeth II, has served as a constant and steadfast presence in the United Kingdom and the world. I ask my colleagues to join me in congratulating and celebrating Her Majesty's Diamond Jubilee.

#### OBAMACARE GRANTS

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

Mr. PITTS. Mr. Speaker, in today's Wall Street Journal, Dr. Steven Greer relates his disastrous experience trying to review grants for a program created by ObamaCare.

The Center for Medicare and Medicaid Innovation will hand out more than \$10 billion in the coming decade. Dr. Greer was one of the chairmen overseeing panels of outside experts who were supposed to review grants for projects to train new types of health care workers. The team had only 2 weeks to review applications that ran more than 100 pages. Among other things, work was lost to poor computer systems, leading some panelists to quit in disgust. Dr. Greer himself quit after his complaints went unanswered.

Despite the problems, the money went out the door—\$1.9 million to a George Washington University project that only saves \$1.7 million, \$4.5 million to a San Antonio project that only saves \$5 million, and \$5.8 million for the University of Chicago to create 80 jobs. All this poorly supervised spending while we rack up more than \$1 trillion in debt every year. More evidence that our debt problem is a spending problem.

#### LOOMING STUDENT LOAN INTEREST RATE CRISIS

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

Mr. COURTNEY. Mr. Speaker, unless Congress acts in the next 25 days, the Stafford student loan interest rate will

double from 3.4 percent to 6.8 percent, adding millions of dollars of additional student loan debt to middle class families.

Unfortunately, the do-nothing House is in session only 2 full days this week and 6 full days for the rest of this month. The Republican whip announced yesterday that there is no action planned on this issue this week.

It is no wonder that President Obama will once again this week reach out to college students all across America to demand action before July 1. Not only that, he is announcing today a historic agreement with colleges and universities to establish a financial aid shopping sheet, which will better inform families about the true cost of tuition as a way of avoiding debt, and will announce new lower repayment caps for the Stafford loans to reduce the burden of high debt.

One branch of government is doing its job to help with the cost of college. It is time for the Republican leadership to do the same.

#### HEALTH CARE TAX

(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. Now more than ever the President and Congress need to cut spending and pass legislation that promotes job growth. Instead, the government is just months away from enacting a job-killing tax on medical devices that will drastically harm our Nation's medical industry. An estimated 43,000 jobs could be lost and could force these American factories to relocate overseas. President Obama wants to implement this harmful tax as a way to pay for his nearly \$2 trillion health care law. This is insane.

The government has a spending problem. American taxpayers shouldn't have to foot the bill for this disastrous law, and businesses shouldn't have to fork over more of their money to pay for Washington's reckless spending spree.

It's time to promote real solutions—let's cut spending, repeal ObamaCare, and protect hardworking taxpayers from these destructive taxes. Americans want, need, and deserve real solutions, and we can take action now and vote this week to eliminate this tax.

□ 1410

#### PROVIDE TRANSPARENCY IN HEALTH CARE PRICES

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

Mr. BURGESS. Mr. Speaker, the current health insurance system has essentially insulated people from the actual cost of medical care that they receive. But maybe, by pulling back the curtain on these opaque areas of the

health care market, over time we could lead to the development of a more rational pricing structure, at least from the consumers' perspective.

Once we understand the actual cost, then we can begin to make effective changes, leading to fair physician reimbursement, appropriate patient billing, and better medical services.

To that end, the Health Care Price Transparency Act of 2012, H.R. 5800, is bipartisan legislation that is a long-term solution to runaway medical costs. The bill calls upon States to establish and maintain laws requiring a disclosure of information on hospital charges. This means that State law will require health insurance providers to give patients an actual dollar estimate of what the patient must pay for health care items and services within a specified period of time.

It's commonsense legislation. It's far past time for us to do it. I encourage Members to join me in cosponsoring H.R. 5800. Let's get it done.

#### MEDIA BIAS AGAINST FAITH REPORTING

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

Mr. SMITH of Texas. Mr. Speaker, last month, 43 Catholic institutions across America joined together to defend the First Amendment and filed a total of 12 lawsuits against the administration in order to protect their right to freedom of religion on behalf of all Americans.

This is the most significant religious lawsuit in U.S. history, and Christian leaders all across America have joined in support of these Catholic institutions. Despite the unprecedented and historic nature of this event, the national media largely ignored it.

The Catholic institutions filed the lawsuit due to new ObamaCare regulations that force some religious institutions to pay for coverage of anti-abortion drugs, regardless of the employer's religious and moral objections.

How can the liberal media ignore 12 different lawsuits being filed in Federal courts that each charge the administration with violating the First Amendment right of freedom of religion?

The liberal national media continues to show their bias by their scanty coverage of this historical event.

#### COMMUNICATION FROM CONSTITUENT SERVICES DIRECTOR, THE HONORABLE MIKE PENCE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Karrie Pardieck, Constituent Services Director, the Honorable MIKE PENCE, Member of Congress:

HOUSE OF REPRESENTATIVES,  
Washington, DC, May 23, 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 State of Indiana's Delaware County Circuit Court No. 4.

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,

KARRIE PARDIECK,  
Constituent Services Director,  
Congressman Mike Pence.

#### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the further consideration of H.R. 5325, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. MCKINLEY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 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. 5325.

Will the gentleman from Nebraska (Mr. SMITH) kindly take the chair.

□ 1413

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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. SMITH of Nebraska (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Friday, June 1, 2012, an amendment offered by the gentleman from Georgia (Mr. BROUN) had been disposed of, and the bill had been read through page 22, line 11.

AMENDMENT NO. 3 OFFERED BY MR. MCCLINTOCK  
Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 3, after the dollar amount, insert "(reduced by \$514,391,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$514,391,000)".

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

Mr. McCLINTOCK. Mr. Chairman, on Friday, I offered an amendment to eliminate taxpayer subsidies to the so-called renewable sector, and this amendment eliminates them to the nuclear sector, saving another half billion dollars.

It does not affect the surcharges that electricity consumers have already paid for waste disposal or for military applications or the essential maintenance of our Nation's radiological facilities, but it relieves taxpayers from funding research and development that rightly rests with the nuclear industry, and requires that industry to compete with all other energy technologies to attract capital based on its own merit.

On Friday, I expressed my skepticism of companies like Solyndra that have peddled technologies that just don't pencil out. Let me now declare my confidence in nuclear technology and in companies like General Electric and Westinghouse that have pioneered these technologies. But that is not an argument for taxpayers to underwrite their research and development departments.

Whether Congress is skeptical of the technology or confident in it, we are not intellectually equipped or constitutionally authorized to choose winners and losers among various companies or technologies, or to substitute our judgment for that of individual investors. I realize these companies certainly won't turn down free money extracted from taxpayers, but I don't believe they actually need it. What's more, I imagine that they'll be better off when we stop telling them what designs to use by Federal fiat, and start allowing the licensing of any design submitted to the Nuclear Regulatory Commission that meets health and safety standards.

This is the worst of both worlds for our constituents. We force them to pay for the R&D programs of these companies, and these companies then reap the profits. Let their investors risk their own money. Let their investors reap their own profits or losses, and leave the rest of us alone.

That's called freedom. It works, and it's time that our Nation put it back to work.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in opposition to the gentleman's amendment. The amendment offered by our colleague would cut nuclear energy research and development activities by 70 percent. It would all but eliminate this very critical program to our Nation.

Our bill provides the same funding level as last year, funding that is a critical part of our support for a balanced energy portfolio, protecting American manufacturing, and reducing reliance on foreign energy sources.

Nuclear power generates 20 percent of our Nation's electricity. It will con-

tinue to play a large role in the future, as our constituents look for reliable, inexpensive, and clean energy.

America invented nuclear power, but now other nations are mimicking our companies' designs and building them entirely within their own borders. We must drive the next generation of reactors, and that's what this program does, in addition to improving the reliability of our current nuclear fleet.

Through simulations, cooperation with the industry, and advanced research, the program develops next-generation reactors, such as small modular reactors and high-temperature gas designs, that are inherently safe and have even more substantial safety margins than today's reactors.

These new types of reactors can be wholly built here at home by American companies, by American workers. The gentleman's amendment would halt these efforts, lose the innovation and manufacturing edge overseas, and risk hundreds, if not thousands, of jobs. I therefore oppose this amendment and urge the Members to do the same.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. I appreciate the recognition, Mr. Chairman, and I also rise in opposition to the gentleman's amendment.

Our country really does need a diversified energy portfolio. Nuclear is part of that. Almost a quarter of all of our electrical power today is generated through nuclear power. It is carbon free, and I do not think this is the time to withdraw research support.

In light of, particularly, the tragedy in Japan, the safety of our existing fleet and progress as far as improved technologies is vital.

And, again, I would add my voice to that in opposition to the gentleman's amendment.

I yield back the balance of my time.

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

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

Mr. McCLINTOCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

□ 1420

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, in-

cluding defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$554,000,000, to remain available until expended: *Provided*, That of such amount, \$115,753,000 shall be available until September 30, 2014, for program direction: *Provided further*, That for all programs funded under Fossil Energy appropriations in this Act or any other Act, the Secretary of Energy may vest fee title or other property interests acquired under projects in any entity, including the United States.

AMENDMENT OFFERED BY MS. HIRONO

Ms. HIRONO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 23, after the dollar amount, insert "(reduced by \$133,400,000)".

Page 26, line 16, after the dollar amount, insert "(increased by \$133,400,000)".

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

Ms. HIRONO. Mr. Chairman, I rise in support of the Hirono-Chu-Matsui-Lee-Carnahan amendment. This amendment will increase the resources for the Advanced Research Projects Agency-Energy, or ARPA-E.

In 2006, the National Academy of Sciences released a report titled, "Rising Above the Gathering Storm." That report called for the establishment of an Agency focused on energy. That Agency would be modeled after the famous Defense Advanced Research Projects Agency, or DARPA. Congress created ARPA-E in the 2007 America COMPETES Act. That legislation passed the House and Senate with strong bipartisan support.

ARPA-E's purpose is to support research that helps Americans lead a 21st-century clean-energy revolution. This is about generating new ideas and innovations that lead to new jobs, industries, and opportunities. Ideas and innovations are the hallmarks of America's economic success. Names like Benjamin Franklin, the Wright brothers, Thomas Edison, Akio Morita, Bill Gates, Steve Jobs, and others are familiar to us all. They are familiar names across the globe. That's because their ideas led to cutting-edge technologies that were widely adopted and put to use, changing our lives and society for the better.

Some of these bold innovations were far ahead of their time and often succeeded with government support. For example, few know that, without government contracts for airmail, our commercial aviation industry would not have become so successful. It was research supported by both U.S. Government labs and the private sector that gave us the Internet. Most famously, who can forget President John F. Kennedy's call to put a man on the Moon. While this effort was successful from a technological perspective, it

also captivated a generation of Americans, inspiring them to think big and think bold.

It is vital to our Nation's future success that we reinvigorate the spirit of innovation. If we do, we can harness the talent of our Nation's people as we continue rebuilding our economy. That's why supporting ARPA-E is so important. ARPA-E awardees are developing the kinds of breakthroughs that will help us break free from the grip of foreign oil and fossil fuels. In the past year alone, ARPA-E has supported research into high-tech electric car batteries. ARPA-E has supported potential breakthroughs in energy-grid technology and algae-based biofuels. These are ideas that could change how the U.S. produces, uses, and transmits energy.

Unfortunately, the bill before us takes a different tack. It actually cuts funding for the research and innovation sponsored by ARPA-E. Instead, it gives even more resources for research into mature energy sources. Last year, fossil fuel R&D received \$346 million. The bill before us provides \$554 million for fossil fuel R&D. That is a \$207 million increase. ARPA-E, on the other hand, gets a \$75 million cut in this bill.

My friend Warren Bollmeier, who is the head of the Hawaii Renewable Energy Alliance, once told me:

The path we need to take to energy independence is one where we level the playing field for clean energy.

We all agree that energy independence is a critical national priority. I think we can also agree that we need to take a broad-based approach to getting there. Responsible fossil fuel development must be part of this mix, but so should clean energy, which is what this amendment does.

To increase the resources for ARPA-E, my amendment transfers some funds from the Fossil Fuel Research and Development programs. My amendment does not eliminate fossil fuel R&D. It would merely bring the funding level for this research to the amount requested by the administration. That number was nearly \$420 million, and that's still an increase of \$73 million from last year.

We know that innovation equals job creation. In fact, in States across the country, we are seeing the advantages of investing in clean-energy research, development, and deployment. We need to keep this forward momentum. In Hawaii, our clean-energy economy is growing. Private sector clean-energy jobs in Hawaii have grown to over 11,000 jobs with double-digit growth expected in the coming year. These firms generate \$1.2 billion for our State economy. These are jobs that keep money in our State and can't be outsourced.

At this time of tight budgets, we need to balance our priorities and lay the groundwork for the future. My amendment moves us in that direction. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in opposition to the gentlewoman's amendment.

My colleague's amendment would increase funding for ARPA-E to levels beyond what the program needs.

Our bill provides \$200 million for ARPA-E because of its focus on energy security, American manufacturing and competitiveness and research to address gas prices; but we have continuing concerns that this program must not intervene where private capital markets are already acting. It must not fund work redundant with other programs at the Department of Energy.

ARPA-E is only 3 years old and is still proving itself. Given how we must spend tax dollars wisely, it would simply not be prudent to give this young program its highest funding level ever. This amendment would, unfortunately, do just that; therefore, I oppose it for that and for many other reasons.

I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Chairman, I move to strike the last word.

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

Mr. CONNOLLY of Virginia. I rise to join my colleagues in support of this amendment to restore funding to the Advanced Research Projects Agency for Energy, known as ARPA-E.

In the report language for this bill, the committee's majority correctly notes that projects funded by ARPA-E "are capable of significantly changing the energy sector to address our critical economic and energy security challenges." This Agency is funding research to advance more efficient power transmission, energy storage, transportation fuel alternatives, energy-efficient buildings, and so much more. So it is puzzling that the committee would then recommend reducing the funding for activities that promote American energy and independence by 27 percent compared to the current funding of 43 percent below the President's reasonable request.

It is thanks to our strategic investments in R&D that we have captured the full benefit of America's ideas and innovations through partnerships with the higher education community and the private sector. More than half of the Nation's economic growth since World War II can be traced to science-driven technology research and innovation that has stemmed from that partnership. It was central to our ability to capitalize in the space race in the 1960s.

Since then, the magnitude of research supported by the Federal Government has actually grown and revolutionized health care, transportation, the digital economy and, yes, energy delivery and efficiency. For example, a Federal energy grant at Georgia Tech

evolved into a private company, Suniva, that manufactures solar energy cells that are cost competitive with fossil fuels. In fact, the company technology was named the world's best commercially applied innovation in 2010. So it's unfortunate to see the majority continue a pattern of disinvestment in basic research, which typically yields a 2-1 return on investment. Cuts like this actually wind up costing our country in the long run.

The real question is: Who is going to fill that gap if we start to retreat on this historic partnership? The answer: our foreign competitors. It's already happening, Mr. Chairman. More than half of U.S. patents were granted to foreign companies in 2009. China is now the world's leading high-tech exporter, and we rank 27th in the number of graduates with science or engineering degrees.

On a related note, I would highlight another issue of which the majority is paying lip service to the need to address the shortage of American scientists and innovators. The report language correctly expresses concern with the long-term science, technology, engineering, and math workforce development pipeline, particularly for underrepresented minority students. Yet the majority then continues to underfund the very programs aimed at supporting strong teachers and scientists to recruit and train the next generation of innovators.

Mr. Chairman, we need to invest more, not less, in these Federal research partnerships. I urge my colleagues to restore these vital funds so we can continue to nurture promising industries, provide entrepreneurs with skills and capital and allow American companies to be globally competitive and help American workers get jobs.

I yield back the balance of my time.

□ 1430

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, I rise in very reluctant opposition to the gentlelady's amendment, as well as remarks issued by the gentleman from Virginia. I certainly appreciate their desire relative to the good work being done at ARPA-E.

The two points I would make in opposition is that, first of all, the gentlewoman was absolutely correct on the top-line figures for fossil fuel, but I do think they are somewhat misleading because there is a rescission contained within the bill for \$187 million. The true reflection, as far as the relationship between current year spending and the proposal in the House bill, is for fiscal year 2012. Fossil fuel is at \$534 million. The proposal in the subcommittee mark and the committee-reported bill is \$554 million.

Again, appreciating deeply the very good work and cultural change that is

taking place within the Department of Energy because of ARPA-E, I would also point out that energy consumption today by fossil fuel is represented by about 83 percent of our utilization. We do need to continue to be focused on that huge segment of current use to be more efficient and to reduce our carbon footprint.

Again, I would add my remarks to the chairman's, and I yield back the balance of my time.

Ms. CHU. Mr. Chair, I rise in support of the amendment to increase the resources for the Advanced Research Projects Agency—Energy, or ARPA-E.

ARPA-E invests in the success of our entrepreneurs by allowing them to innovate in high-reward energy projects. This critical investment turns ideas into new technologies, which create new companies and even whole industries. These companies start out as small businesses, which we know are the greatest drivers of our economy. ARPA-E is exactly the kind of forward thinking we need to spur American innovation and create well-paying jobs in cutting-edge fields.

ARPA-E is also vital to achieving the kind of 21st century energy solutions America needs to increase our energy efficiency, lower consumer costs, and curb the damage to our environment. While other countries around the world are promoting these kinds of programs, we are letting ourselves fall behind.

In the midst of one of the worst recessions in U.S. history, we are turning our backs on energy innovation, where we once led the way. This makes no sense, and it must stop. We should not be cutting ARPA-E, we should be expanding it. That is exactly what this amendment will do.

ARPA-E gives universities, entrepreneurs, and other innovators resources to develop their ideas. It holds forums to bring researchers together to share expertise, and educate future innovators. Some research ARPA-E has supported includes high-tech electric car batteries, breakthroughs in energy grid technologies, and algae-based biofuels. These developments hold the power to revolutionize the way America produces and consumes energy. This is not science-fiction; it is already science-fact. But it needs the support and vision of my colleagues in Congress in order to continue.

In my home State of California we have ambitious energy standards that we need to work hard to meet in the next few years.

The underlying bill increases research and development funds for fossil fuels by \$207 million more than these programs received last year. We are going backwards.

This amendment does not gut fossil fuels research and development, but it does bring funding levels in line with the President's request while increasing funding for ARPA-E in line with the President's request.

Let's stop going backwards; let's stop selling America short. Instead, let America do what it does best: innovate, grow, and lead.

I strongly encourage my colleagues to support this amendment.

Mr. CARNAHAN. Mr. Chair, I rise in opposition to the Graves amendment.

The Missouri River, the Nation's longest, is an important economic tool for not only the state of Missouri but the Nation as a whole. The river is critical to the local water supply,

and is home to a diverse ecosystem, and also serves residential and recreational roles. Due to our dependence on the River, three million acres along the river have been distorted or changed, causing natural habitats to disappear. Reinvigorating the river and its wildlife will not only benefit those who live along the river, but those who depend on its resources as well.

I stand in strong support of the Missouri River Recovery Program, a program which serves to revitalize the Missouri River and allow native species populations to grow. Missouri needs this program to ensure that the future of the Missouri river ecosystem is one that is sustainable and affordable to maintain. This amendment does nothing to redirect funds for other means of flood control, but instead limits a program that is integral to the River's recovery. Without the funding this program needs, we risk programs that provide habitats and safety for federally listed endangered and threatened species. The maintenance and recovery of the Missouri River is vital to the millions of Americans impacted by the Missouri River basin. I urge my colleagues to consider the economic and environmental impact that a cut to funding for the Missouri River Recovery Program would have, and urge my colleagues to vote "no" on this amendment.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Hawaii (Ms. HIRONO).

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

Ms. HIRONO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Hawaii will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 23, after the dollar amount, insert "(reduced by \$554,000,000)".

Page 22, line 24, after the dollar amount, insert "(reduced by \$115,753,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$554,000,000)".

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

Mr. MCCLINTOCK. Mr. Chairman, this is the final amendment I'll offer to remove government from subsidizing energy companies. This one pertains to fossil fuel industries.

The coal, oil, and natural gas industries are profitable and proven and have never had any trouble finding investors to pay for legitimate research.

Once again, I pose the question: Why are taxpayers then being forced to subsidize research and development for energy companies that have every incentive to pay for it themselves if they actually believe it will bear fruit. If it pans out, these technologies have enormous economic value and will richly reward all of those who invest in them;

and if they don't, taxpayers shouldn't be left holding the bag.

Today, the fossil fuels industry has opened a new chapter of clean, cheap, and abundant natural gas recovery through horizontal drilling and hydraulic fracturing, a process developed almost entirely through private capital. Our dismal energy situation today is not because of not enough government. It is because of too much government, and the American people have finally figured that out.

We have done enormous damage not only to our energy policy, but to our entire economy by subsidizing inefficiencies, hiding true costs, and slanting the competitive field. If left alone, prices convey an entire world of data. Embedded in the price at your local gas station is information on political conditions in the Middle East, refinery capacity in Benicia, bribery rates in Venezuela, and what the guy down the street is selling it for, to name just a few. Accurate prices are essential for consumers and investors to make rational decisions about the highest and best use of their dollars.

When government interferes in these decisions through subsidies, it corrupts the data that is necessary to assure that every dollar in the economy is spent to its highest and best use. So it's not just the cost of these subsidies to taxpayers; it's the misallocation of resources that those subsidies cost. And that's perhaps the most serious drag of all on our economy.

When government plays this game, risks are masked, inefficiencies go undetected and uncorrected, capital flows from productive to nonproductive use, and perhaps most dangerous of all in a free society, the government begins picking winners and losers. The productive sector becomes more and more beholden to government and less and less beholden to its own customers.

I am told on generally reliable authority that this is what Republicans are supposed to believe in. This Republican House needs to be true to those beliefs and true to the voters who elected us because of those beliefs.

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

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to this amendment.

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

Mr. ROGERS of Kentucky. The Obama administration has not been shy about its desire to wipe out our Nation's use of fossil energy resources. Mining permits in Kentucky and eastern America have ground to a halt. Oil and gas leasing on Federal lands and our Outer Continental Shelf are stagnant, onerous regulations are shuttering power plants, and EPA officials have gone on the record expressing a desire to crucify the fossil industries, which have been the backbone of our energy security for decades and continue to today.

And how does this administration propose to fill the gaping hole they've



left in our energy security? By throwing billions of taxpayer dollars down a black hole at pie-in-the-sky renewable pet projects like Solyndra.

I agree with my colleagues that we must balance the expansion of conventional fuels—coal, natural gas, oil, and nuclear—to provide energy today with investment into renewable energies to power our future. And that's exactly what the underlying bill seeks to do, Mr. Chairman.

The funding provided for fossil energy research and development will support investments in carbon capture, carbon storage, and other advanced energy systems so our country can more efficiently use centuries worth of coal and natural gas already at our disposal. Meanwhile, we continue to support reasonable levels in the EERE account that have seen exponential increases in recent years.

The President's energy strategy yields neither savvy investments for the taxpayer nor does it strengthen our energy security or our economy. Seen in tandem with the EPA's onerous utility regulations and deliberate delays to energy production permits, any cuts to fossil energy research are a part of a pincer movement designed to drive fossil energy from the marketplace. The results will be spiking energy costs, greater reliance on foreign sources of energy, and lost jobs.

As a result, Mr. Chairman, I urge a "no" vote on this amendment, and I yield back the balance of my time.

Mr. MCKINLEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MCKINLEY. Mr. Chairman, fossil energy research and development continues to evolve to reflect our Nation's key energy supply, security, and environmental needs. American fossil energy R&D takes place in our national energy technology laboratories throughout the country, including laboratories in Morgantown, West Virginia, and in Pittsburgh, Pennsylvania.

Over the years, these two labs alone have produced thousands of jobs, billions of dollars in investment into local and State economies, and an incredible working relationship among WVU, Pitt, Carnegie Mellon, Penn State, and Virginia Tech.

Just to point out the importance of fossil energy R&D funding to the gentleman's home State of California: in 2011, over 200 projects were developing in California. This research provided \$1.6 billion in funds being brought into that State, along with over 7,600 jobs.

□ 1440

In Hawaii, there was over \$36 million spent in research involving nearly 300 jobs. Fossil energy R&D has led the research that has significantly reduced acid rain, as well as in other advanced pollution controls and mercury emission reductions, and has led and/or conducted research that created tech-

nology used in 75 percent of our Nation's largest coal power plants.

Today, fossil energy R&D continues to lead the Nation's efforts in carbon capture, sequestration, and utilization, and has led efforts in combustion and turbine R&D that led to substantial increases in power plant efficiencies and reductions in power plant emissions. Simply put, the research through this program focuses on developing affordable, safe, and clean mechanisms to enhance and utilize our domestic fossil energy resources in the most efficient manner.

If this amendment passes, Congress will not be able to ensure our Nation of job security, job retention, growth, and the ability to meet our ever-increasing energy needs. Not only would this amendment destroy nearly 90,000 jobs, 2,100 research projects, and over \$18 billion in investments, but would harm our educational institutions and the students, scientists, and professors who work in our national energy laboratories.

I urge all of my colleagues to oppose this amendment and to continue to support our domestic fossil energy initiatives.

I yield back the balance of my time. Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. I rise in opposition to the gentleman's amendment for the very reasons I espoused briefly before relative to the gentlewoman from Hawaii's amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

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

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 23, after the dollar amount, insert "(reduced by \$25,000,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$25,000,000)".

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

Mr. CONNOLLY of Virginia. Mr. Chairman, at a time when we should be working together to find ways to save taxpayer money and reduce the deficit, this bill proposes to waste millions of dollars on research into an inefficient and highly polluting energy extraction

process known as oil shale. For 100 years, oil shale advocates and big energy companies have been selling us the promise of cheap energy through oil shale. Despite those efforts, no company has been able to deliver on that promise.

It's time to end the sham and stop wasting taxpayer dollars. That's why this amendment, which I offer with my good friend Congressman JARED POLIS of Colorado, would save \$25 million and invest it in deficit reduction.

Despite what some in the industry might claim, oil shale development won't produce affordable American energy or jobs. Mr. Chairman, just a few weeks ago, Interior Secretary Salazar pointed out that the House majority continues to confuse shale oil with oil shale, two completely different things.

While they clearly sound similar, any undergraduate in geology can tell you that, in fact, one is a rock and the other is a liquid. Let me say that again so my colleagues understand. Oil shale, derived from a rock, is not to be confused with shale oil.

While shale oil is experiencing a boom in development, oil shale technology simply doesn't exist, a fact recently confirmed by the Congressional Budget Office. The CBO estimated that implementing a commercial leasing program for oil shale on Federal lands under the PIONEERS Act would not generate revenue for at least 10 years.

The amendment I'm offering with my friend from Colorado (Mr. POLIS) would simply eliminate the research and funding dollars designated in this bill for oil shale production. This is a simple commonsense amendment. Given the current budget constraints we hear so much about, we cannot continue to throw good money after bad for a non-existent, uneconomic energy source. There is no sense in wasting \$25 million in taxpayer dollars on oil shale research and development when there is no commercially viable technology to bake rock and turn it into synthetic oil.

In addition to the technological and economic hurdles facing oil shale, oil shale threatens already scarce water supplies in the West. According to the Bureau of Land Management, industrial scale oil shale development could actually require as much as 150 percent of the amount of water Denver metro area consumes every year. That not only would threaten Denver and eastern agriculture in Colorado, but it would also throw a wrench in the delicate multistate agreements that govern the Colorado River and its use, which is already overtaxed.

Simply put, every Colorado River State, from Colorado to California, should be concerned by this use of this money and water and support this amendment.

Mr. Chairman, we need more affordable American energy. Achieving that goal includes responsible oil and gas exploration, better use of technology to capitalize on all available resources,

and greater focus on the cleaner energy future from renewables such as solar and wind. Some might call it an all-of-the-above approach, but all of the above should not include things that science tells us aren't really viable and represent an unwise investment.

Mr. Chairman, I urge passage of the Polis-Connolly amendment. I ask for consideration of this issue that we, in fact, save \$25 million and put it to deficit reduction. I urge my colleagues to vote "yes" on the amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in opposition to the gentleman's amendment.

Our bill funds a truly all-of-the-above research approach for addressing future high gas prices by reducing oil imports, developing fuel alternatives, and reducing what Americans pay at the pump.

The amendment would eliminate, as we've heard, \$25 million in our bill for an oil shale research program, an important component of our comprehensive approach. The United States has an estimate of 2 trillion barrels of resources in oil shale deposits. For some perspective, that's more than 10 times larger than the United States' estimated proven and unproven oil reserves, and roughly as large as the entire world's proven oil reserves.

But shale oil resources have been barely tapped worldwide because substantial environmental and technological hurdles prevent their extraction, and the fluctuating world oil prices prevent the sustained research needed to bring this resource to market.

Our bill provides \$25 million for an oil shale research program to develop the technologies that can make our vast reserves competitive and environmentally sustainable for decades or centuries. If successful, the program could change the game completely. It could prevent future high gas prices and substantially reduce our reliance on foreign oil.

For these and many other reasons, I oppose the gentleman's amendment.

I yield back the balance of my time.

Mr. POLIS. Mr. Chairman, I move to strike the last word.

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

Mr. POLIS. Mr. Chairman, this amendment—and I appreciate my colleague from Virginia for helping to bring it forward here today—will help reduce the budget deficit by about \$25 million.

At a time when we all know we need to make some of the hard cuts to balance our budget, why not make some of the easy cuts? Oil shale, and the research that's reduced under this amendment, does not exist in any economically viable fashion. In fact, many

of the corporations and companies that would have the most self-interest in developing oil shale have given it not even a second priority or a third priority—a distant, distant priority—and have cut back on much of the research because there simply is no economically viable way to produce oil shale.

Again, at a time when we need to re-examine our priorities and we know that we need to balance our budget, why not save \$25 million from a technology that doesn't exist and that we've already plowed billions of dollars of taxpayer money into.

□ 1450

We still contribute with our Federal resources with regard to any future potential that oil shale might have. There are several research leases in place and private companies continue to invest, although in decreasing amounts, in this technology.

What I think anybody opposed to this amendment would need to convince us of is why it is a justifiable use of taxpayer funds to continue to pursue this boondoggle of a technology that we have already sunken billions of dollars into with zero return for taxpayers, with zero return for energy independence, and with zero return for reducing energy prices for our country.

We in Colorado, and across the country, have a lot of reasonable concerns with regard to any potential future technology in terms of where the water is coming from and how and where it will be used. But fundamentally, for a prospective technology that is locally problematic in affected areas, why does this bill continue to invest good money after bad to continue to throw another \$25 million down the billion-dollar hole that has been pursued and talked about for over a century.

The technology to, in an economically and viable way, extract oil shale simply does not exist. My amendment would save \$25 million, reduce the deficit, allow private research to continue, and make sure that we continue an all-of-the-above approach to energy independence and reducing gas prices for our country.

I urge strong support of the Connolly-Polis amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. I rise in strong support of the gentleman's amendment.

Developing oil shale into a fuel source is very energy intensive. Both strip mining and in situ oil mining requires huge amounts of energy. In fact, more energy may go into developing the process than would be produced in the oil secured.

Oil shale development is projected to have a dramatic effect also, as was mentioned during the debate, on water supplies. This water would further stress already overallocated water in

the West. Oil shale development also poses a potentially serious threat to water quality. The process of transforming the kerogen in shale into oil leaves behind salts and numerous toxins, water-soluble chemicals that could leach into the groundwater that is the source of much of the region's surface water during the critical time when flow is lowest. Flushing these chemicals from the oil shale production zone, as several companies have proposed, would also create huge volumes of highly saline water that will require further treatment. The technical feasibility of isolating and treating contaminated groundwater has not been demonstrated.

The proposed development of this resource will recreate major new demands on the energy grid as well. By some estimates, the new power plants needed to support a 1 million-barrel-per-day oil shale industry—and we believe that is the low end of DOE's projections—could emit 105 million tons of carbon dioxide every year. That's about 80 percent more than was released by all existing electric utility generating units in the States of Colorado, Wyoming, and Utah in the year 2005.

The spent shale that remains after processing is also not an easy problem, and it will not go away. It potentially represents between 90 and 95 percent of the material that is mined. The Nation already has a legacy of sites that we cannot afford to adequately clean up today. We should not add to this legacy.

While I have indicated during debate on this bill that I support a balanced approach to solving the Nation's energy issues, given the costs and environmental impacts of this particular source at this particular time, with our constrained resources, this is one alternative that should be foregone.

Again, I strongly support 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 Virginia (Mr. CONNOLLY).

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

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

#### NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, \$14,909,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

#### ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling the final payment under the Settlement Agreement entered into by the United States and



the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104-106, \$15,579,815, for payment to the State of California for the State Teachers' Retirement Fund, of which \$15,579,815 shall be derived from the Elk Hills School Lands Fund.

#### STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$195,609,000, to remain available until expended.

#### NORTHEAST HOME HEATING OIL RESERVE

##### (INCLUDING RESCISSION OF FUNDS)

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, \$10,119,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$6,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

#### ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$100,000,000 to remain available until expended.

#### NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$198,506,000, to remain available until expended.

#### AMENDMENT OFFERED BY MR. MATHESON

Mr. MATHESON. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 5, after the dollar amount, insert "(increased by \$9,600,000)".

Page 30, line 5, after the dollar amount, insert "(reduced by \$9,600,000)".

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

Mr. MATHESON. This amendment would add \$9.6 million to the Department of Energy's nondefense environmental cleanup account, thereby restoring the amount that was cut from the previous year for the small sites associated with this program. This will be offset by taking money from the National Nuclear Security Administration's weapons activities account, which in this bill right now has an increase of just over \$298 million relative to last year.

The funding for the small sites in the nondefense environmental cleanup accounts supports activities across the country that address the legacy resulting from civilian nuclear energy research and uranium mining, and it is critical that the Department of Energy

have the resources necessary to meet its obligation to clean contaminated sites across the country in a timely manner.

I know it's tough to come up with these appropriations bills, and I think the committee has done a nice job of trying to balance many things. I acknowledge and I support the increase in funding for the NNSA weapons modernization efforts. I believe that directing a small portion of the \$298 million increase over the FY 12 levels towards cleanup of small sites around the country is worth consideration here today.

This is not an attack of the work of the NNSA, but rather an amendment to increase the efficiency of the small-site cleanup effort undertaken by the Department of Energy. The \$9.6 million represents a fraction of 1 percent of the total funding of NNSA weapons activities that will be received in this bill.

I think we want to do this funding and maintain this funding because it ensures the progress of these sites can continue. Let's remember these small sites are shovel-ready projects directly employing hundreds of people at various sites across the country.

While this is for all sites, I'll talk about one location of which I'm familiar because it's in my congressional district, near Moab. It's a site that at one point had 16 million tons of radioactive material. It's on the banks of the Colorado River. During an environmental impact statement review it was determined that it was with an absolute certainty that at some point, if this pile is not moved, a flood event will flush this downstream. There are roughly 25 million users downstream of the Colorado River in Nevada, Arizona, and southern California.

What I find interesting is if we're looking to reduce funding for these small projects, we end up increasing the proportion of what's left for fixed costs, for administrative costs. In the case of the project in Utah, the contract that was just let by the Department of Energy, 25 percent of all moneys were just on administrative costs; and that means that we're spending a significant portion not moving material.

The thing about these small projects is there is an end in sight. We can get this done. We can knock this project out if we aggressively fund it, and I think on a lifecycle basis you actually are spending less taxpayer dollars if we adequately fund these small sites.

My concern about funding of small-site remediation is not unique to me. In fact, the committee in its own report of this bill on page 100 mentions this issue about small sites. It says:

The committee remains concerned about the lack of remediation activity taking place around the country at various Department-sponsored facilities and small sites classified as under the responsibility of the Department.

□ 1500

So I know we all care about this. I know we do. I'm just trying to point

out, at least in my State we have one of these sites whereby shrinking of the funding I think we extend the life of this project for more years. I think we'll end up spending more taxpayer dollars on a life-cycle basis at the project as a result, and I would submit that it merits consideration to see if we can do this small plus-up in the environmental cleanup account for small sites.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR (Mr. THORBERRY). The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment, but I do appreciate my colleague's advocacy for removing uranium tailing at the former uranium ore processing facility in his congressional district, Moab, Utah, to protect the Colorado River and downstream water users.

There has been, as I'm sure he'd admit, tremendous progress at this site, where work was accelerated with an influx of \$100 million from the stimulus bill, or the Recovery Act.

Our bill, for the record, fully funds the President's request for nondefense environmental cleanup. It provides \$198 million to sustain ongoing cleanup projects. While this is a reduction from fiscal year 2012, it is a reasonable one considering the need to reduce overall Federal spending in our bill. Within that amount, the amount of funding for the Moab project, which my colleague is particularly concerned about, is sustained at \$31 million, the same amount as in fiscal year 2012.

This amendment increases funding over the request and over last year's level for Moab. While many sites like Moab are struggling to reduce cleanup work following the Recovery Act, we simply cannot maintain these highly elevated funding levels. As an offset, this amendment proposes to take resources from important national security activities. It unacceptably strikes funding for priority investments in our nuclear security enterprise which is both urgent and long overdue. Thus, I urge Members to vote "no" on his amendment, and I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the recognition and rise in strong support of the gentleman's amendment. I certainly appreciate the concerns he has expressed about cleanup nationally, as well as the site illustrated in Utah, and share his concerns that we are not adequately investing in cleaning up contaminated communities where we have a national obligation.

This amendment would make a cut of \$9.6 million to the weapons program,

but I would point out to my colleagues that while I support the weapons complex and its modernization, this is a very slight change in funding, an account that has a \$7.5 billion allocation and sees a \$275 million increase for 2013 under the bill. And, therefore, I do think the gentleman has taken a very reasoned approach and strongly support his amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

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

Mr. MATHESON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

The Clerk will read.

The Clerk read as follows:

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, \$425,493,000 to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 25 passenger motor vehicles for replacement only, including one ambulance and one bus, \$4,824,931,000, to remain available until expended: *Provided*, That of such amount, \$185,000,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from appropriations available under this heading, \$23,500,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110-69), as amended, \$200,000,000, to remain available until expended: *Provided*, That of such amount, \$20,000,000 shall be available until September 30, 2014, for program direction.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97-425, as amended (the "NWPAA"), \$25,000,000, to remain available until expended, and to be derived from the Nuclear Waste Fund established in section 302(c) of such Act (42 U.S.C.

10222(c)), to be made available only to support the Yucca Mountain license application: *Provided*, That not less than \$5,000,000 of funds made available under this heading shall be made available only for assistance to affected units of local government which have given formal consent to the Secretary of Energy to host a high-level waste repository as authorized by the NWPAA.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

Such sums as are derived from amounts received from borrowers pursuant to section 1702(b)(2) of the Energy Policy Act of 2005 under this heading in prior Acts, shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: *Provided*, That, for necessary administrative expenses to carry out this Loan Guarantee program, \$38,000,000 is appropriated, to remain available until September 30, 2014: *Provided further*, That \$38,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than \$0: *Provided further*, That fees collected under section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, \$6,000,000, to remain available until September 30, 2014.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed \$30,000, \$230,783,000, to remain available until September 30, 2014, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total \$108,188,000 in fiscal year 2013 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95-238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2013, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than \$122,595,000.

AMENDMENT OFFERED BY MR. SHIMKUS

Mr. SHIMKUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 16, after the dollar amount insert "(reduced by \$10,000,000)".

Page 49, line 25, after the second dollar amount insert "(increased by \$10,000,000)".

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

Mr. SHIMKUS. Mr. Chairman, the Nuclear Regulatory Commission, the NRC, has adequate funds to resume licensing activities for the Yucca nuclear waste repository as called for in the Nuclear Waste Policy Act, but it refuses to do so. The NRC claims it has the legal authority to ignore the law duly enacted by this Congress if the agency isn't given enough money to "finish the job."

Under our Constitution, agencies are funded year to year. They are seldom, if ever, given enough money in 1 year to do everything the law tells them to do, especially for long-term projects. In 2008 when the Yucca Mountain licensing proceedings started, Congress appropriated NRC enough money to conduct the proceedings for that year. We sure didn't give it enough to complete the 3-year licensing proceeding. In 2009, we gave the NRC enough to carry out the proceeding for another year. The NRC didn't stop because it didn't have enough money to finish the job. In fact, NRC only stopped the licensing and refused to spend money appropriated for licensing based on the administration's policy decision that the site is no longer workable.

Now, after being hauled into Federal court for ignoring a statutory duty to decide the license application in 3 years, the NRC claims it doesn't have to follow the law because, while it has plenty of money to resume the licensing process and move it forward, it doesn't have enough money to finish it.

When we pass a law and tell an agency to do something and give it enough money to do a job during a given year, can the agency just thumb its nose and say, We're not going to do that job at all because Congress didn't give us enough money to finish the job next year?

No agency has ever successfully told a court not to make it follow the law because in some future year it might not get enough money to do the job the law requires. Allowing NRC to cancel Yucca would unconstitutionally shift the balance of powers to executive agencies to evade congressionally mandated legal obligations.

The Federal appellate court has made its displeasure with the NRC's legal position known. We need to do the same.

This is an outrageous unilateral decision to stop Yucca and not spend funds specifically appropriated for licensing activities. No agency can ignore a statutory duty to proceed with a project based on a subjective determination that adequate funds may not be available to complete the project in the future. We need to send a clear message to every agency this isn't how our Constitution works.

So on top of the over \$10 million that the NRC has now to restart the licensing process, this amendment provides an additional \$10 million in new funds so they can continue the process. The amendment is budget neutral and fully offset by taking funds from the DOE's departmental administration account.

We are asking DOE to do more with a little less by making modest cuts to an account for salaries and expenses.

I urge my colleagues to vote “yes” on the amendment to fund the legally required licensing process for Yucca Mountain so that the NRC, an independent government agency, has funding necessary to finish their thorough, objective, and technical review. In doing so, the NRC, not political games, will determine whether Yucca Mountain would make a safe repository. Having spent 30 years and \$15 billion of ratepayer money, the American people at least deserve to find out the answer to whether Yucca is safe.

And whether you favor nuclear power or Yucca Mountain isn't the only issue. The core issue is whether laws we pass may be completely ignored by agencies if they think that some day they may not get enough money to finish the job. Allowing agencies to get away with this results in shifting more of our legislative powers to unelected agency bureaucrats.

With that, Mr. Chairman, I urge all of my colleagues to support the Shimkus amendment, and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DICKS. I rise in strong support of the Shimkus amendment, which will ensure that the NRC has the resources to carry out its responsibility with regard to the Nation's high-level waste repository at Yucca Mountain.

I regret the position that the NRC has taken on this issue. On the Appropriations Committee, it is our belief that the Commission has adequate funds to resume licensing activities for the Yucca Mountain project as called for in the Nuclear Waste Policy Act.

□ 1710

But the Commission simply has refused to act. The NRC claims it has the legal authority to ignore the law duly enacted by this Congress if the Agency isn't given enough money to “finish the job.”

Under our Constitution, agencies are funded year to year. They are seldom, if ever, given enough money in 1 year to do everything the law tells them to do, especially for long-term projects.

In 2008, when the Yucca Mountain licensing proceeding started, Congress appropriated sufficient funds to the NRC to conduct the proceeding for that fiscal year. In 2009, we gave NRC enough money to carry out those responsibilities for another year. The NRC didn't stop because it didn't have the entire amount of money to finish the job. In fact, the NRC only stopped the licensing and refused to spend money appropriated for licensing based on a unilateral policy decision that the site is no longer workable.

Now, after being brought to Federal court for ignoring its statutory duty to

decide the license application in 3 years, the NRC claimed—astoundingly—that it does not have to follow the law because, while it has plenty of money to resume the licensing process and move it forward, it doesn't have every dollar in hand that would be required to complete the process.

When Congress passes a law, appropriates money, and directs an agency to carry out an important government function during any given fiscal year, that agency cannot just thumb its nose and say we're not going to do that job at all because Congress didn't give us the money to do the following year's work. No agency has ever successfully told a court not to make it follow the law because in some future year it might not get enough money to do the job the law requires.

Allowing the Nuclear Regulatory Commission such power to effectively cancel Yucca Mountain after Congress has enacted a law directing that it be accomplished would be an affront to the Constitution, and it would shift the balance of power to executive agencies to evade congressionally mandated legal obligations.

The Federal appellate court has already made its displeasure with the NRC's legal position known. We need to do the same. The Shimkus amendment would assure that the Commission proceeds with the determination of whether Yucca Mountain is an appropriate location for a safe repository. The amendment is budget neutral—fully offset by redirecting funding from DOE's departmental administration account.

I urge the adoption of the Shimkus amendment and yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word.

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

Mr. HASTINGS of Washington. Mr. Chairman, I want to thank the sponsor of this amendment, Mr. SHIMKUS, for bringing this amendment forward. And I want to thank the distinguished ranking member from my home State of Washington and the chairman of the subcommittee for their support also of this amendment.

This is very serious business when the administration is absolutely ignoring statutory law that was passed by this Congress. As a matter of fact, going way back to 1995, this House has acted 32 different times, principally on these appropriation bills as they come forward, to address this issue. Generally, the issue is to not fund Yucca Mountain. Thirty-two times this House, since 1995, has said we are going to fund Yucca Mountain. So I think that the Congress—and certainly the House—has well established what their position is.

Mr. DICKS. Will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Washington.

Mr. DICKS. The fact is that we passed a law that was signed by the President of the United States at that time. I can remember Congressman Udall was chair of the committee at that point. We passed a law that said do Yucca Mountain, and that law has not been repealed. That is still the law of the land.

Mr. HASTINGS of Washington. Reclaiming my time, that is precisely the point. Both you and Mr. SHIMKUS made that point very well that needs to be repeated over and over: This is statutory law. And 32 different times it has been attempted to be modified on the House floor, and 32 times it has been rejected since 1995.

Let me put a personal note on this because I represent the Hanford area in central Washington. It was one of the three Manhattan Projects where we developed atomic weapons to win not only the Second World War but also the Cold War. The process of developing those atomic weapons created a tremendous amount of waste, and the State of Washington has a legal agreement with the Federal Government to clean up that waste. It's called the Tri-Party Agreement. But just to give you an idea of the scope of what needs to be cleaned up there, the waste in underground tanks at Hanford would fill this Chamber over 21 times with radioactive and/or hazardous waste. That's the waste that will eventually go to the repository after it is glassified.

So I thank the gentleman from Illinois for bringing this amendment forward, and I urge my colleagues to support this amendment. It's very, very important. This will be the 33rd time, I contend, that this House will have reaffirmed that Yucca should be the repository.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to speak very briefly to associate my remarks with Mr. DICKS, Dr. HASTINGS, and Mr. SHIMKUS. I want to thank them for bringing this amendment forward to increase funding for license for Yucca.

This is a bipartisan effort. And it's not only bipartisan; the nexus is also support from authorizers and appropriators. So I'm highly appreciative of their initiative. I think it ought to be supported by all Members. I think we ought to move forward and send a message: we need to get Yucca open. This is a way to reclaim the \$15 billion that's been put into that effort by keeping the license process open and above board.

I yield back the balance of my time.

Mr. VISCLOSKEY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. I appreciate the recognition and rise in strong support of the gentleman from Illinois' amendment. I believe the debate on this has been very fruitful and will simply add my voice to theirs.

I believe the administration and the Senate's ongoing attempts to shut this activity down are without scientific merit and are contrary, as has been said on the floor, to existing law and congressional direction.

Under the Nuclear Waste Policy Act of 1982, the Federal Government has a responsibility to demonstrate its capability to meet its contractual obligation by addressing the spent fuel and other high-level nuclear waste at permanently shutdown reactors.

We need to ensure that the administration does not unilaterally dictate policy for nuclear waste disposal, and I strongly urge my colleagues to join me in supporting the gentleman's amendment.

I yield back the balance of my time.

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

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

Mr. SHIMKUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 16, after the dollar amount, insert "(reduced by \$16,000,000)".

Page 30, line 25, after the dollar amount, insert "(increased by \$16,000,000)".

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

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment to increase funding for the National Nuclear Security Administration's defense nonproliferation program by \$16 million. This is a small restoration of funds, and it would restore the Global Threat Reduction Initiative to our fiscal year '12 levels. It's really just a small increase in funds, but it will go a long way, in particular for the President's top national security priorities. The \$16 million would come from the Department's administration account. Specifically, this \$16 million transfer would restore half of the funds that had been cut from the Global Threat Reduction Initiative to counter the risk of nuclear terrorism.

The danger that nuclear weapons and materials might spread to countries that are hostile to us or to terrorists who want to use these against us is one of the gravest dangers that we have to the United States. Nonproliferation

programs are one of the least expensive ways, and they're critical for U.S. national security, and they must be a top priority. It's our line of first defense. It is the most cost-effective way to achieve the most urgent of goals, which is securing and reducing the amount of vulnerable bomb-grade material.

□ 1520

The funding for the Global Threat Reduction Initiative specifically supports securing vulnerable nuclear material around the world in 4 years, in order to prevent this deadly material from falling into the hands of terrorists who are intent on doing us harm.

And let me give you a specific example of why this is so important. Increasing the funds would help accelerate the conversion of research reactors and the removal of vulnerable highly enriched uranium. The need to accelerate those important efforts can be seen, for example, in the example of Belarus, which had enough HEU for several nuclear weapons, and agreed, in 2010, to give up this material.

Now, the NNSA cleaned out a portion of that material; but in 2011, Belarus reneged on its agreement because it was angry at the imposition of U.S. sanctions on that regime. There is still a significant amount of highly enriched uranium that sits there in Belarus. It could have been cleaned out by the NNSA if it had had 5 more months before Belarus said no. This illustrates why it's so important for us to put the money in to go and clean these places up before people decide or new regimes come in and all of a sudden we can't get to what is very dangerous materials for us.

We can't squander the opportunities to move forward on this urgent priority. The 9/11 Commission and the Nuclear Posture Commission noted that the addressing of this issue is important. This is a grave danger, with the Nuclear Posture Commission warning that "the urgency arises from the imminent danger of nuclear terrorism if we pass a tipping point in nuclear proliferation."

I urge support for a very modest increase of \$16 million that will significantly help us reduce the dangerous delays to these very important nonproliferation programs.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word, Mr. Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentlewoman's amendment. Though less than last year's level, the \$2.3 billion provided for defense nuclear nonproliferation already shows very strong support of our committee for nonproliferation.

Our bill fully funds the core nonproliferation programs to secure vulnerable nuclear materials around the world in 4 years. In fact, it goes further

and provides an additional \$28 million above the request for the international programs under what's called the Global Threat Reduction Initiative.

While I appreciate our colleague's support for these activities, there's simply no reason to provide even more funding. The international activities have been clearly laid out in the 4-year plan, which peaked in 2011. These activities are supposed to ramp down as we accomplish more and more projects abroad. The President's budget reflects that planned ramp-down.

This additional funding would just likely sit there unexpended. The National Nuclear Security Agency already has considerable problems getting other countries to follow through with agreements. The Government Accountability Office has confirmed that half of all the funding we provide each year is not spent. To use the words I heard a few minutes ago: the money is sitting there.

This additional funding is simply not needed, and I ask the Members to reject this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. I appreciate the recognition.

Mr. Chairman, I rise in strong support of the gentlewoman's amendment and commend her for crafting it.

As I pointed out in earlier remarks, I do appreciate the chairman's efforts, as well as the members of the subcommittee and full committee, to increase money set aside for the Global Threat Reduction Initiative. In fact, the chairman was responsible for adding \$17 million above the administration's current request.

However, I do believe that more can be done and that the Sanchez amendment, by adding \$16 million to the Global Threat Reduction Initiative, would get us very close to our current year appropriated level.

I believe, as a Nation, our greatest security threat is not a launched attack by another nation-state, but the use of nuclear weapons or materials in an act of terror. And given that particular threat, I do believe every dollar counts and every dollar of these \$16 million count. I would ask my colleagues to support the gentlewoman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LORETTA SANCHEZ).

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

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentlewoman from California will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. WELCH

Mr. WELCH. Mr. 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:

Page 29, line 10, insert before the period at the end the following:

: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Energy to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7))

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

Mr. WELCH. Mr. Chairman, Representative GARDNER of Colorado and I offered this amendment. He's the lead sponsor, but his plane is late, and I'm standing in in his place as a cosponsor.

Previous legislation by this Congress required our governmental Agencies to do an energy audit, and the reason behind that energy audit was that it would lead to energy savings. There are firms that can do energy-saving contracts at no expense to the taxpayer, no expense whatsoever to the Federal Government.

The point of this amendment is to have the Department of Energy and other government Agencies that have already been directed to do the energy audit to get on with it, and the reason we want to have it done yesterday is so that we can begin today achieving savings for the American taxpayer.

There's a lot of debate in Congress among us as to what makes sensible energy policy. But there is immense consensus that whatever energy policy you favor, saving energy, using less rather than more, saving taxpayer dollars is a wise thing to do in every single policy that might be advanced by Members on both sides of the aisle.

So the point of the amendment that Mr. GARDNER and I offer is basically to say to the Federal Government that, hey, let's audit the energy use in our buildings. Let's take practical steps to save money. Let's use a tool that costs taxpayers no money and guarantees that they'll save money, and let's get on with it.

Mr. Chairman, we seek support for this amendment. But before I yield, I do want to mention one aspect of the bill to which I am opposed and that I'm speaking on my own here, not with my cosponsor, and that's a rider in the bill.

Section 433 lays out a roadmap for designing increasingly energy-efficient new buildings. And the provision has a clause in it that will drive advances in building energy efficiency, deep retrofits and savings in taxpayer dollars, while reducing carbon pollution and leading by example. DOE is working to develop rules that implement section 433 in a workable and flexible manner, but the funding rider would block that.

I yield back the balance of my time. Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We have no objection to the amendment. We think it's a good way to enact it. It's a commonsense approach, and we have no objection.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$43,468,000, to remain available until September 30, 2014.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION  
WEAPONS ACTIVITIES

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance, \$7,577,341,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$65,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MR. POLIS

Mr. POLIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 5, after the dollar amount, insert "(reduced by \$298,221,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$298,221,000)".

The Acting CHAIR. The gentleman from Colorado is recognized for 5 minutes on his amendment.

□ 1530

Mr. POLIS. The Polis-Markey amendment would reduce the funding for unneeded nuclear weapons programs by \$298 million in order to reduce the budget deficit.

At a time of decisions, at a time of choices, we need to ask ourselves: How much is enough with regard to nuclear defense?

These programs included in this amendment have consistently been over budget and ineffectual. We simply

shouldn't be increasing funding for them—yes, actually increasing funding for them. This amendment simply eliminates the increase at a time when we should be focused on deficit reduction.

We all agree that we need to stop wasteful government spending. Congress has to justify every penny it spends to the taxpayers, the American people, the global markets. There just isn't any justification for spending an additional \$300 million, on top of prior year appropriations, on weapons programs that aren't needed and aren't suited to our current conflicts in the war on terror.

This account funds programs like the B61 Life Extension Program. This program to modify nuclear bombs was originally set to cost \$32.5 million and be completed in 2012. Since then, it has ballooned to \$4 billion and won't be completed until 2022. At the time that this nuclear warhead is finished, if it's even finished by 2022, it might not even have a mission or a delivery vehicle. Then there is the W78 Life Extension Program, which would create yet another nuclear warhead. This boondoggle was originally set to cost \$26 million, and now it has cost over \$5 billion.

Why would this Congress approve yet another taxpayer bailout of failed nuclear weapons technology?

Finally, there is a uranium processing facility which was supposed to manufacture components for nuclear warheads. This project was supposed to cost \$1.5 billion. Now it has cost over \$6.5 billion, and it is 4 years behind schedule.

Frankly, American taxpayers can't afford a Congress that keeps throwing good money after bad on these unnecessary nuclear weapons programs. Now, I'm sure the other side will talk about how we need to maintain our nuclear arsenal. This amendment isn't about that. If this amendment passes, the bill still appropriates over \$7 billion for nuclear weapon activities. In reality, it makes no sense to increase spending on nuclear weapons when we've agreed to responsibly reduce our nuclear stockpile.

This is no longer the era of the Cold War where we have another nation-state gearing a large percentage of their GNP toward competing with us on the nuclear weapons front. We are and will remain, even with the passage of this amendment, the global leader on both developing and deploying nuclear weapons technology. This simply isn't a responsible way to govern, and it reduces our national security to spend more money than we can afford on national security. To borrow it from countries like China makes our Nation less secure, not more secure.

I would urge the House to listen to the experts, who are telling us not to throw good money after bad. Let's get our budget under control. Let's get our budget on the right track by spending money on programs that are proven to

protect our country, not on boondoggles that continue to cost taxpayers year after year after year without increasing our security. We need to make hard choices to get our country back on the path to fiscal sanity. Well, this Polis-Markey amendment is an easy choice.

Vote for the Polis-Markey amendment and against spending hundreds of millions of additional dollars on redundant and unneeded nuclear weapons technology on top of the \$7 billion base included in this bill, which already allows us to be the unchallenged global leader in developing and deploying nuclear weapons. I urge a “yes” vote on the Polis-Markey amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to this amendment.

Assuring funding for the modernization of our nuclear weapons stockpile is the most critical national security issue in our Energy and Water bill. The Secretary of Energy must certify to the President that our nuclear stockpile is reliable. It’s absolutely essential that these funds be put in the bill and kept in the bill.

With years of level funding, we have put off for too long the type of investments that are needed to sustain our nuclear capability as our stockpile ages. That’s why the 2010 Nuclear Posture Review concluded that additional funding was essential to ensure that our infrastructure is adequately maintained and that our warheads receive the refurbishments they need to remain reliable and effective. There has also been strong bipartisan support for carrying out the recommended increases in modernization funding.

This amendment unacceptably strikes funding for these priority investments, which are both urgent and long overdue. I strongly urge my colleagues to make defense a priority and to vote “no” on this amendment.

I yield back the balance of my time.

Mr. MARKEY. I move to strike the requisite number of words.

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

Mr. MARKEY. I rise in support of the Polis amendment. He and I are introducing this amendment so that we can, once again, demonstrate the lack of compatibility of the priorities of this budget to the overall well-being of our country.

The Cold War ended 20 years ago. We won. Since that time, there has been a dramatic reduction in the number of nuclear weapons that both the United States and the former Soviet Union deploy. That number continues to drop. Yet, here in this budget, there is additional profligate spending on new nuclear weapons programs, on weapons

modernization. Well, let me just say this, ladies and gentlemen:

Each nuclear submarine that the United States has has 96 independently targetable nuclear warheads. That means that every single nuclear commander of a submarine in the United States can destroy the entire country of Russia, can destroy the entire country of China—each American nuclear submarine commander—and neither Russia nor China knows where those submarines are. We should be proud of ourselves. We are 10-foot tall compared to the Russians, compared to the Chinese.

By the way, any problems that we have with Iran or with Syria in terms of Russian support for them or Chinese support for them have nothing to do with our nuclear weapons capability. That’s not influencing them one way or the other. If we needed to ever drop a nuclear bomb on any one of our enemies—let’s just say we had a war with Iran—and after the nuclear sub commanders in the United States Navy were to send one nuclear weapon towards Tehran, what would the next target be?

What are we doing out here? Why are we talking about additional nuclear weapons in the 21st century? Why are we talking about cutting Medicare, cutting Medicaid, cutting programs for poor children, cutting nutrition programs for poor children, and at the same time saying that we need more nuclear weapons?

This is a wayback machine. It’s a Cold War time machine that basically says that the inexorable investment of political capital already made continues to drive the investments of the future; that we aren’t going to step back and reevaluate that we won the Cold War; that we’re not going to have a nuclear war with Russia; that we’re not going to have a nuclear war with China; that we are 10 feet tall. Even if all there is is parity, each country understands that it’s a total annihilation to use these weapons.

Let’s save this money. Vote “aye” on the Polis amendment. Send a signal to the world. Send a signal to our own people that at least we can find some expenditure in the defense budget which we can cut and which is not related to our national security. That’s all that we ask from you: that please, on one vote, on the nuclear weapons issue, where we don’t need new weapons, that there is a vote for sanity, that there is a vote that we send as a signal to the rest of the world and to our own people that we understand that that nuclear arms race is over. Vote “aye” on the Polis amendment.

I yield back the balance of my time. Mr. VISCLOSKEY. I move to strike the last word.

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

Mr. VISCLOSKEY. Mr. Chairman, I rise in reluctant opposition to the amendment offered by the gentlemen from Colorado and Massachusetts.

I do believe, given the work of the subcommittee, that the dollars that are contained in it represent an attempt to ensure that, looking down the road with the hopeful ratification of the New START Treaty, we will be consistent with those funding levels that will be required.

□ 1540

While a world without nuclear weapons would be my preference and while the U.S. must maintain its deterrent capability today, we should also maintain the capabilities necessary to ensure that they are safe and effective.

The gentleman from Massachusetts rightfully asked are there any savings that we can see under the defense accounts, whether at the Department of Defense or the Department of Energy. And I would point out one of the eliminations in this year’s budget are monies for the Chemistry and Metallurgy Research Replacement Nuclear Facility.

So I would again emphasize to my colleagues that the subcommittee try to look at this account with great specificity to remove those items that were not necessary and to spend our tax dollars wisely.

With that, 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.

Mr. POLIS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

The Clerk will read.

The Clerk read as follows:

DEFENSE NUCLEAR NONPROLIFERATION  
(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, \$2,283,024,000, to remain available until expended: *Provided*, That of the unobligated balances from prior year appropriations available under this heading, \$7,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 9 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:



Page 30, line 25, after the dollar amount, insert “(reduced by \$100,000,000)”.

Page 56, line 24, after the dollar amount, insert “(increased by \$100,000,000)”.

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

Mr. BURGESS. Mr. Chairman, this is very straightforward.

This amendment would strike the \$100 million from the nuclear non-proliferation account which has been earmarked by the committee for a bailout of a failing uranium enrichment company. This \$100 million could then be put toward deficit reduction.

This has nothing to do with taking away money from national security and everything to do with ending bailouts to a failed business model. Twenty years ago, two decades ago, this Congress created by charter the United States Enrichment Corporation, believing USEC could better run the uranium enrichment facilities than the government itself. But after two decades, you look at the situation and realize it ain't happening and Congress was wrong.

Since its inception, USEC has squandered billions of dollars in Federal bailouts, running its operations to near insolvency because of poor decisions and—dare I say—corporate incompetence. Yearly, USEC comes to Congress and the executive branch—hat in hand—begging for millions of dollars in bailout money to continue operation sites that are technologically out of date. It is time that the Federal Government ended the endless bailouts to this enterprise.

Moreover, USEC has been a bad-faith actor in negotiations with the uranium mining industry which provides the needed raw materials that are enriched at these facilities. You always ask yourself on these deals who is the winner and who is the loser. We always say Congress shouldn't pick winners and losers. They clearly are. USEC is the winner. The losers are the uranium miners that populate the western United States.

What motivation does USEC have to negotiate in good faith when it knows if it doesn't get everything it wants from the miners, it simply goes to the Department of Energy, gets a handout, and then time and time again they either get direct-cash payments or they get spent uranium tails? So they have no reason to negotiate with our miners in the western United States.

The Department of Energy has a longstanding agreement with the uranium mining industry not to dump any more than 10 percent of the market's worth of uranium in handouts to USEC at any given time; yet it becomes increasingly clear that the Department of Energy is willing to ignore that agreement and provide the bailout that USEC desires.

This betrayal of the mining industry threatens thousands of jobs across the western United States—Texas, Nevada, New Mexico, Illinois, and Wyoming to name a few. Moreover, arguments that

USEC is the only facility that can supply tritium to the Department of Defense ignores the plain language of the Washington treaty and the U.S.-India Nuclear Agreement. The Department of Energy has in its possession enough highly enriched uranium and tritium to last for at least 15 years, costing hundreds of millions of dollars less than the continued bailouts of USEC that the country is currently obligated to.

It is time for this Congress to stand up and stop the continual bailouts of a failed business model. Propping up one company at the expense of American workers is not how this body should be operating. Let's end the bailout, return the money to the Treasury, pay down our deficit.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, respectfully, a mention was made of congressional earmarks. There are no congressional earmarks in the Energy and Water bill. This is a Presidential priority, but this is not a congressional earmark.

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

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. MARKEY. Mr. Chairman, I rise in support of the amendment.

After Congress privatized the United States Enrichment Corporation in 1996, we quickly learned that it couldn't survive in the private sector without continued and repeated bailouts to the tune of billions of dollars. We've given it free centrifuge technology. We've given it free uranium that it enriches and then sells at below-market prices, undercutting its competitors. We've paid to clean up its radioactive messes. We have assumed its liabilities.

And what has happened to these investments? The entire company is worth less than the \$100 million contained in this bill that's the next gift that the Congress is giving to this company. Adam Smith is spinning in his grave so rapidly right now that he would qualify as a new energy source. That's how violative of free-market principles this continued subsidy of this company is, knowing that there are other companies that can provide the same resource without the government subsidies.

Even after the Department of Energy's recent announcement of another gift of free uranium to USEC, Standard & Poor's downgraded it to junk-bond status. Who invests in something that has already achieved junk-bond status with the exception of the United States Congress? That's what we're voting on

here today, funding of a company that is now in junk-bond status. And JPMorgan, the company's creditor, now directly controls every penny USEC spends because it felt the company could not manage its own precarious finances.

When I asked the Treasury Department whether government support for the company put taxpayers at risk, it said yes and that extreme care should be taken before offering any exposure to the taxpayer. But are we following the Treasury Department's advice? No. The Department of Energy has approved hundreds of millions of dollars' worth of subsidies for this company and is about to approve another \$82 million bailout in the coming days. And Congress has acceded to pressure to insert even more money in no fewer than three pieces of legislation that are currently pending, including the \$100 million contained in this bill.

We've been told this bailout is only about getting the tritium we need for our nuclear weapons, but this is just not true. The treaty that governs uranium enrichment technology does not prevent other companies from doing this work. Even if it did, there are even additional alternatives. When DOE examined its tritium options, it found that down-blending surplus highly enriched uranium that it already has would cost taxpayers hundreds of millions of dollars less than obtaining the services from this company.

This amendment is supported by a coalition that spans the political horizon that makes it possible for Mr. BURGESS—a very conservative Member from Texas—to join with a very liberal Congressman from Massachusetts in agreeing that the pragmatic center here has lost its bearings. It has lost touch with the free-market principles. And at least if we're going to subsidize something, let's see that it's not already reached junk-bond status and we're continuing to pour good money after bad.

This is something that in my opinion is unacceptable. The Department of Energy has already given \$44 million for this program this year, and it is about to provide another \$82 million as it prepares to buy the centrifuges that have yet to be demonstrated to work properly. That's right, \$126 million that will buy centrifuges from a company whose total value is now less than \$90 million.

□ 1550

As part of the deal, the taxpayers also have to assume liability for the company's nuclear waste.

We should not be throwing good money after bad. This is \$100 million that should not be wasted. Please support the Burgess-Markey amendment.

I yield back the balance of my time.

Mr. JOHNSON of Ohio. Mr. Chairman, I move to strike the last word.

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

Mr. JOHNSON of Ohio. Mr. Chairman, I rise today in strong opposition to the Burgess-Markey amendment.

Put simply, if this amendment passes, our national security is at risk. The appropriation that this amendment seeks to strike is vital to ensure that America has a domestic source of uranium enrichment. According to U.S. law and nonproliferation treaties that the United States is signatory to, we must have a domestic source of uranium. International agreements prevent us from purchasing enriched uranium from foreign-owned companies for military purposes.

If the Burgess-Markey amendment passes, the U.S. would no longer have a domestic source of enrichment and would instead be reliant on a foreign-owned company that has many red flags in its past for uranium enrichment.

This amendment is a rerun of a similar attempt by Mr. MARKEY and our colleague from New Mexico (Mr. PEARCE) during the debate of the 2013 National Defense Authorization Act a few weeks ago to strip the authorizing language for this uranium research, development, and demonstration program. That amendment failed by an overwhelming vote of 121-300. Nothing—I repeat, nothing—has changed in the last few weeks since that vote and today.

Mr. Chairman, some of my colleagues are claiming that the RD&D program is some type of congressional earmark, but this is simply not true. The President of the United States requested the authorization and funding for the RD&D program in his budget request because the President has determined it is necessary for our national security.

Now, I may still be a freshman, but I know enough that, in order to be a congressional earmark, a Member of Congress would need to make the request for the program. That didn't happen.

Furthermore, in the NDAA legislation, Chairman MCKEON added a provision to ensure that taxpayers are protected by requiring any company that participates in the RD&D program to put up their intellectual property rights as collateral. The IP rights are worth billions of dollars and far outweigh any amount of money that the Federal Government might put towards this program.

So to call this an earmark or a bailout is just simply not true.

The sponsors of this amendment have also tried to confuse Members by saying that we can satisfy our national security needs by down-blending existing uranium. While we may be able to do this in the near term, this argument is shortsighted at best.

What happens when the government runs out of inventory to down-blend and we no longer have a domestic capability to enrich uranium? The other side doesn't seem to have a good response for that question because they know the answer, and the answer is that we need to go forward with the RD&D program to ensure we have a domestic source in the future.

It seems some would rather ignore the long-term national security implications of having a domestic source of uranium enrichment. The fact is, if this amendment passes, our nuclear national security could be at risk.

Mr. Chairman, I will once again remind my colleagues that this amendment attempts to achieve the same goal that the failed Pearce-Markey amendment did a few weeks ago, and we already know that amendment failed by a very wide margin. I urge my colleagues to defeat this amendment to ensure that our national nuclear security is not outsourced to a foreign-owned company.

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

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. I appreciate the recognition, and, to be honest with you, I don't know about conservatives from Texas or liberals from Massachusetts. I'm from Gary, Indiana, and I am here simply to ask my colleagues to not flush \$100 million down a drain. That would be my technical argument. And I want to thank the gentleman from Texas and I want to thank the gentleman from Massachusetts for offering this amendment.

I also want to thank the subcommittee chair for reducing the administration's original request that was \$150 million for USEC, which is the United States Enrichment Corporation, to \$100 million that is contained in this bill.

I must tell you, I have serious disagreement with the committee mark on this and do believe this amendment needs to be adopted. The people of this country work too hard for the tax dollars they send to us to flush this \$100 million down a drain.

In 2008, when this company applied for a loan guarantee, DOE required USEC to produce a track record of running these centrifuges for a time sufficient to prove that they could be commercialized. This, we were told, would be sufficient to prove the technology. It was not.

Further, I would point out that in 2010, \$45 million in accounting exchange, an exchange for liability for enrichment services, was provided to the company, essentially forgiving them \$45 million of liability. This fiscal year 12, \$44 million in additional dollars in exchange, relieving the company of liability that is now on the taxpayers' book, was put forward.

There is a proposal on the table, separate from this bill and separate from this amendment, to do that exchange of liability for enrichment services a third time for another \$82 million because the company needs it. The question during subcommittee consideration of this issue that was addressed to the Department of Energy is: What happens to the taxpayers? What hap-

pens to this country if the cost of cleaning up those tailings exceeds the liability that was given a company. That is what happens if it's not \$44 million. What if it's not \$45 million? What if it's not \$82 million? What if it's \$100 million? We eat it. We eat it, and that's wrong. That is wrong, and people ought to adopt this amendment.

Several months ago, the claim was that just in another 2 years, just another 2 years and just another \$300 million would prove the technology. Now, now today, the Department is saying this program would make progress, not prove the technology. They would make progress towards proving the technology.

It was mentioned that on May 15 the company was downgraded by Standard & Poor's. Last month USEC was warned that it was in danger of being delisted by the New York Stock Exchange. Delisting would mean that the company stock would essentially be reduced to speculative penny stock status, reducing the market for the company's shares.

Last month, the Department announced again this very complicated deal relative to the tailings. This deal takes the most compelling argument away from funding USEC's American Centrifuge Project, because last month USEC, the Department, Energy Northwest, and TVA agreed to keep the enrichment plant USEC operates, the Paducah Gaseous Diffusion Plant, in operation for another year by re-enriching uranium tailings.

The point I would make is that the transfer of these tailings results in enough U.S. origin low-enriched uranium for 15 years. In addition, the National Nuclear Security Administration can access the mixed oxide facilities for backup low-enrichment uranium for an additional 4½ years.

The gentleman from Ohio (Mr. JOHNSON), talked about the long term. That is the long term. That's two decades from now. And the technology that USEC is using today is 20 years old, and the National Nuclear Security Administration has not evaluated alternatives, but it has the time to do so.

Again, we need to make a decision here. The decision ought to be to adopt this amendment and to save the taxpayers \$100 million.

I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Mexico is recognized for 5 minutes.

Mr. PEARCE. Mr. Chairman, I rise in support of the Burgess-Markey amendment.

With all due respect to my friend from Ohio who said that this is a national security issue, the Department of the Navy has said they have enough material to last them through 2050.

□ 1600

We have plenty of time to start from scratch to bid the project out.

If the contention of our friends is that we must have a U.S. company that produces this material, then start the bid process today. We have until 2050. USEC has attempted for over 30 years to develop a centrifuge—and has yet to do it. They've had over \$5 billion given to them. If they get this bailout, then they're going to continue operations with the request for another \$2 billion.

At which point are we, the designated representatives of the people, going to stand and say that other people can do that? Right now, the Department of Energy is saying the only scientists in the country that we can fund are at USEC. I sincerely disagree with them. I do not believe that we should have foreign-owned corporations providing this material, but we have plenty of time now if we start.

We're told that we do not have the intellectual property if we somehow take the funds away, if we don't give them. What intellectual property is available when the company has spent \$5 billion to create 38 machines, six of which have had catastrophic failures? One split the case, which stops the whole program because that would cause a leak of radioactive material.

It is time for the Congress simply to say what they want to go to bid and allow the best bidder in the Nation, the best developer, the best minds in the Nation, to come together and develop what we want. Stop funding a failed corporation that was at risk a month ago of being pulled off of the New York Stock Exchange, that has been downgraded. USEC had 90 percent of the world market. They had 90 percent of the U.S. market when they were given the company and privatized. They were given a billion dollars worth of tails. A billion dollars worth of product and 90 percent of market share, and they have squandered that market share down to 10 percent.

Several years ago, they put those tails on the open market and collapsed the uranium market. What valuable company sells the raw materials out the backdoor that they are given and collapses the world market? That's the company that I'm saying in the Burgess-Markey amendment simply doesn't get bailed out. The head of that company last year paid himself \$5 million.

Taxpayer bailout dollars are going to pay the executives of this company elaborate salaries when they're not producing anything. If the company were as good at producing centrifuges as it is getting government handouts, they would have long ago succeeded in developing the capacity to make centrifuges. Other countries, other companies, other nations have centrifuges by the hundreds of thousands operating—and this Nation, after \$5 billion, has 38 that don't operate.

Just stop the games. Stop the bailout.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. THORBERRY, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5325 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except: pro forma amendments offered at any point in the reading by the chair or ranking minority member of the Committee on Appropriations or their respective designees for the purpose of debate; amendments printed in the CONGRESSIONAL RECORD and numbered 1, 10, 17, and 18; an amendment by Mrs. BLACKBURN regarding an across-the-board reduction; an amendment by Mrs. BLACKBURN regarding section 1705 of the Energy Policy Act of 2005; an amendment by Mr. BROUN of Georgia limiting funds for the Advanced Research Projects Agency-Energy; an amendment by Mr. BROUN of Georgia regarding Advanced Research Projects Agency-Energy awards with expected Technology Readiness Levels; an amendment by Mr. CHABOT regarding funding levels in title IV of the bill; an amendment by Mr. CLEAVER limiting funds relating to the Missouri River Ecosystem Restoration Plan; an amendment by Mr. CRAVAACK regarding the Harbor Maintenance Trust Fund; an amendment by Mr. DEFAZIO regarding section 9.104(d) of title 48, Code of Federal Regulations, which shall be debatable for 20 minutes; an amendment by Mr. DENHAM regarding section 10011(b) of Public Law 111-11; an amendment by Mr. ENGEL limiting funds for new light duty vehicles, which shall be debatable for 20 minutes; an amendment by Mr. FLAKE regarding an across-the-board reduction; an amendment by Mr. FLAKE limiting funds for the Wind Powering America initiative; an amendment by Mr. FLAKE limiting funds for the Batteries and Electric Drive Technology program; an amendment by Mr. FLORES limiting funds to enforce section 526 of the Energy Independence and Security Act of

2007; an amendment by Mr. FORTENBERRY regarding funding levels for Defense Nuclear Nonproliferation; an amendment by Mr. FORTENBERRY limiting funds for the proposed rule "Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies"; an amendment by Mr. FRELINGHUYSEN regarding funding levels; amendments en bloc by Mr. FRELINGHUYSEN consisting of amendments specified in this order not earlier disposed of; an amendment by Mr. GARDNER regarding energy management requirements under the National Energy Conservation Policy Act; an amendment by Mr. GOHMERT regarding Department of Energy construction, purchase, or lease in the District of Columbia; an amendment by Ms. JACKSON LEE of Texas regarding funding for Corps of Engineers Operation and maintenance; two amendments by Ms. JACKSON LEE of Texas regarding funding levels for Energy Efficiency and Renewable Energy; an amendment by Ms. JACKSON LEE of Texas regarding funding levels for Corps of Engineers Construction; an amendment by Ms. JACKSON LEE of Texas limiting funds for Department of Energy; Energy Programs; Science an amendment by Mr. JORDAN limiting funds for title 17 loan guarantees; an amendment by Mr. KING of Iowa regarding subchapter IV of chapter 31 of title 40, United States Code; an amendment by Mr. KUCNICH regarding section 1703 of the Energy Policy Act of 2005; an amendment by Mr. LANDRY limiting funds relating to mitigation methodology, referred to as the "Modified Charleston Method"; an amendment by Mr. LANDRY regarding section 801 of the Energy Independence and Security Act of 2007; an amendment by Mr. LUETKEMEYER limiting funds for the study conducted pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007; an amendment by Mr. LUETKEMEYER limiting funds for the study authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009; an amendment by Mr. LUJAN regarding funding levels for Defense Environmental Cleanup; an amendment by Mrs. LUMMIS regarding uranium; an amendment by Mr. MCINTYRE limiting funds to plan for termination of periodic nourishment for water resource development projects; an amendment by Mr. MULVANEY regarding an across-the-board reduction; an amendment by Mr. PEARCE regarding funding levels for Defense Environmental Cleanup; an amendment by Mr. POLIS regarding funding levels for Weapons Activities, which shall be debatable for 20 minutes; an amendment by Mr. REED regarding funding levels for Non-Defense Environmental Cleanup; an amendment by Mr. ROHRABACHER limiting funds for the U.S.-China Clean Energy Research Center; an amendment by Ms. LORETTA SANCHEZ of California regarding funding levels for Defense Nuclear Nonproliferation, which shall be debatable

for 20 minutes; an amendment by Mr. SCHOCK regarding a prohibition on the planting of row crops; an amendment by Mr. SCHWEIKERT regarding title 10, Code of Federal Regulations; an amendment by Mr. STEARNS regarding funding levels for Advanced Research Projects Agency-Energy; an amendment by Mr. STEARNS limiting funds to subordinate interest in any loan guarantee; an amendment by Mr. STEARNS limiting funds for purchase of light duty vehicles; and an amendment by Mr. TIPTON limiting funds to conduct surveys; and further that each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the CONGRESSIONAL RECORD or a designee, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and shall not be subject to amendment except that the chair and ranking minority member of the Committee on Appropriations (or their respective designees) each may offer one pro forma amendment for the purpose of debate; and further that except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent; and further that an amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

Mr. PEARCE. Reserving the right to object, Mr. Speaker, we have a discussion that needs to take place before we make a decision, and I see the gentlelady coming onto the floor. So if we can take just a moment to discuss, there is an amendment we would like to be made in order, and I need to visit with the gentlelady, if I can.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 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. 5325.

Will the gentleman from Texas (Mr. THORNBERRY) kindly resume the chair.

□ 1613

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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. THORNBERRY (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. 9 offered by the gentleman from Texas (Mr. BURGESS) had been postponed and the bill had been read through page 31, line 8.

Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order, which is at the desk.

AMENDMENT OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 25, after the dollar amount, insert "(reduced by \$17,319,000) (increased by \$17,319,000)".

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, I'd like to thank both the chairman and the ranking member of the subcommittee for the opportunity to discuss an important problem in our Nation's nuclear security infrastructure and for their support of this amendment.

The amendment would reduce funding for the mixed oxide fuel program at the Department of Energy by approximately \$17 million and redirect it to the National Nuclear Security Administration's Global Threat Reduction Initiative. Such a redirection of funds would provide for greater security and be a wiser investment of taxpayer dollars.

If there is one thing we can all agree on, Mr. Chairman, it is that dollars are scarce in Washington. And with this in mind, I'm concerned about the amount of money that has been spent on the mixed oxide fuel program, known as MOX, at the DOE.

Under an agreement signed by the United States and Russia in 2000, both countries agreed to dispose of excess weapons-grade plutonium by blending it with uranium to create mixed oxide fuel. The intent was to use it as a fuel in civilian nuclear reactors. Subsequently, the Department of Energy spent billions on the mixed oxide fuel project. The fuel is intended for a market segment that has yet to emerge, and according to a report from the Government Accountability Office, the Department of Energy has had to consider offering subsidies to attract potential customers for the fuel. The most optimistic estimates predict that the mixed oxide production facility will begin operating 6 years behind schedule.

Another problem is that the mixed oxide fuel project poses a new nuclear nonproliferation risk as MOX fuel can be separated into weapons-grade nuclear material. In addition, the Russians have not lived up to their treaty

obligations. They have fallen behind on their own MOX production schedule. As a result, the United States has had to step in and provide our own designs for the MOX plant to jump-start Russia's.

As a cofounder of the House Nuclear Security Caucus, Mr. Chairman, I feel confident that the funding removed from the mixed oxide fuel program will be put to much better use protecting our Nation through the global threat reduction initiative.

By the end of the current year, the global threat reduction initiative will have converted or shut down 81 research reactors, removed over 3,400 kilograms of vulnerable nuclear material, and secured nearly 1,400 buildings containing radiological materials. There are other important global threat reduction initiatives as well that could use additional funding.

We should be proud of our work as a country in our nuclear security efforts, but it is abundantly clear that the mixed oxide fuel program is not the most productive use of our constituents' taxpayer dollars. The persistence of nuclear threats demands that we retain the highest sense of vigilance and agility when it comes to our own nuclear security, and for that reason, I urge the adoption of this amendment, and I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in support of the gentleman's amendment.

The Acting CHAIR. Does the gentleman from New Jersey rise in opposition to the amendment?

Mr. FRELINGHUYSEN. No, I rise in support of the amendment.

The Acting CHAIR. Under the previous order of the House, the time is controlled by the Member offering the amendment and a Member opposed to the amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. FORTENBERRY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I rise in support of the gentleman's amendment and recognize his advocacy for nonproliferation.

I share my colleague's concerns about the National Nuclear Security Administration's management of the MOX fuel fabrication facility project. The latest Department of Energy report indicates that the MOX facility could take months, if not years, to complete and will exceed the current baseline cost by as much as \$1.4 billion due to continued construction problems and creeping scope. So I'm pleased to support the gentleman's amendment.

The Acting CHAIR. Does any Member seek to control time in opposition to the amendment?

Mr. FORTENBERRY. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. The reason Mr. FORTENBERRY and I are making this

amendment is that it would address a wrongheaded plan by the Department of Energy to build a facility to produce dangerous, highly radioactive nuclear fuel that no one actually wants to buy.

□ 1620

The Department wants to take uranium and plutonium from dismantled nuclear bombs and make fuel for commercial nuclear reactors.

This plan will cost taxpayers \$2 billion. It is a nuclear bomb budget-buster. It is the most expensive way to boil water that has ever been proposed on the planet. It is also unnecessary—no electric utility in the United States wants to buy this fuel. It is also a serious threat to human health. The MOX—the mixed oxide plutonium fuel—is actually more dangerous than existing commercial nuclear fuel. And in the event of a nuclear disaster, the releases from a MOX fuels reactor will cause between 39 and 131 percent more fatalities than a traditional fuel nuclear reactor.

MOX is a reverse Field of Dreams. If you build it, they will not come. The utility industry is not going to arrive. Instead, it is a nightmare that will leave future generations to safeguard a dangerous fuel with no buyers.

I congratulate the gentleman, and I urge an “aye” vote.

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

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

Mr. FORTENBERRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nebraska will be postponed.

The Clerk will read.

The Clerk read as follows:

#### NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, \$1,086,635,000, to remain available until expended: *Provided*, That of such amount, \$43,212,000 shall be available until September 30, 2014, for program direction.

#### OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed \$12,000, \$400,000,000, to remain available until September 30, 2014.

#### AMENDMENT OFFERED BY MR. PEARCE

Mr. PEARCE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 23, after the second dollar amount, insert “(reduced by \$88,923,000)”.

Page 32, line 14, after the dollar amount, insert “(increased by \$88,923,000)”.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New Mexico (Mr. PEARCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. PEARCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today which transfers funds from the Office of the NNSA Administrator and into the Defense Environmental Management Fund, a program which funds the cleanup of radioactive waste. This program is important to our defensive mission, our environment, and public safety.

The Defense Environmental Management Program has demonstrated success in solid waste disposition, soil and groundwater remediation, and facility decontamination and decommissioning, and will continue to do so with sufficient funding.

I would like to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for their hard work on this bill and for prioritizing this issue particularly. Unfortunately, the budget request from the White House did not accurately reflect the monetary needs to fully fund the project contained in the EM program. My amendment would simply put back \$40 million into the Environmental Management Program, which would provide much needed relief to the already constrained budgets for these projects.

As we accelerate the permanent disposal of radioactive waste, we decrease downstream the long-term cost for security, storage, and providing a better, safer environment into the future.

Many of the storage sites that currently exist for radioactive waste sit aboveground and are threatened by tornados, earthquakes, and wildfires. As I’m sure most of you have seen this week, New Mexico is susceptible to wildfires that can be started at any moment, get out of control extremely quickly, and rage out of control for days.

Los Alamos is located in a forest area and is highly vulnerable. In fact, just a little less than 1 year ago, the Las Conchas fire burned around 150,000 acres of thick pine woodlands in the Santa Fe National Forest, which surrounds the lab complex in the adjacent town of Los Alamos. At one point, the leading edge of the fire was as close as 50 feet from the grounds, which contain thousands of outdoor drums of plutonium-contaminated waste. Until this week, the Las Conchas fire was the largest in New Mexico’s history.

There is a similar story from the year 2000, the Sierra Grande fire. As a result, just this January, DOE and the New Mexico Environment Department entered into a consent order framework agreement to expeditiously address the highest risk waste at Los Alamos National Laboratory. The waste

amounts to 3,706 cubic meters of non-cemented aboveground waste, and the agreement calls for the removal of this waste by June 30, 2014. This amendment will allow LANL to meet groundwater and surface water requirements, as well as ensure the health and safety of the New Mexico residents who live closest to the lab.

While the overall bill dedicates funding to LANL for this project, it still falls short of what is needed. Without full funding, projects like removal of the highest risk waste at LANL are in jeopardy.

Finally, I am transferring this fund out of the Office of the Administrator for NNSA. These funds are needed more in the field and less in Washington, which, as we know, could go on a strict diet.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition reluctantly.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman from New Mexico’s amendment.

The bill before the committee provides a total of \$4.9 billion for defense environmental cleanup activities at the Department of Energy. This funding sustains thousands of cleanup jobs, and I thank my colleague for his deep concern about supporting these programs and meeting our cleanup commitments.

Our bill makes several difficult choices to achieve our deficit-reduction goals, providing the necessary increases for our nuclear security programs while making targeted reductions to activities which can be deferred.

This amendment seeks to partially reverse that priority setting that we put in place. It targets vital nuclear security programs and shifts funds to non-security environmental cleanup that should be ramped back. The cleanup programs received an infusion of \$6 billion from the Recovery Act—AKA, the stimulus—accelerating the scope of work and pace of cleanup at those sites. And while I would like to express my support for the cleanup, we cannot sustain that stimulus-level funding that we had so in the past.

The funding for Los Alamos—which my colleague is particularly concerned about, is extremely knowledgeable about, and is very, very concerned about—will actually increase by 45 percent, or \$30 million, over last year’s level. The 1.7 reduction to defense cleanup is a reasonable one in our bill.

Recently, we’ve been informed by the Department of Energy that the Department of Energy may miss a number of its cleanup milestones because they had been relying on receiving large funding increases year after year, an assumption that was overly optimistic in any budget environment. We cannot continue to shovel in funding to make

up for poor planning. Instead, the Department needs to work constructively with its stakeholders to establish reasonable and sustainable plans for remediating these sites, which will still take another 20 to 30 years.

I urge my colleagues to vote “no” on this amendment, and yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, I rise reluctantly to oppose the amendment offered by the gentleman from New Mexico.

I deeply respect his concern with the oversight of the programs under NNSA, and I agree that there are some areas of oversight that need to be strengthened. I cannot support any further cuts, however, to the Office of the Administrator.

As written, the bill already reduces funding for the Administrator's Office by \$10 million from this year's enacted level. This amendment would compound that cut by \$89 million. At the same time, NNSA has already received an increase of \$275 million when compared to current year spending. I'm concerned that any further reductions to the Administrator's Office would hamper the ability of NNSA to plan and oversee its core mission areas.

I would like to work with the chairman and the gentleman from New Mexico to address the concerns expressed, and to ensure that NNSA properly maintains and cleans up its sites in New Mexico and throughout the country.

Mr. Chairman, I yield back the balance of my time.

Mr. PEARCE. Mr. Chairman, I have no additional comments, and would yield back the balance of my time.

□ 1630

The Acting CHAIR (Mr. FORTENBERRY). The question is on the amendment offered by the gentleman from New Mexico (Mr. PEARCE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. LUJÁN

Mr. LUJÁN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 23, after the dollar amount, insert “(reduced by \$21,899,000)”.

Page 32, line 14, after the dollar amount, insert “(increased by \$21,899,000)”.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New Mexico and a Member opposed each will control 5 minutes.

Mr. LUJÁN. Mr. Chairman, my amendment is similar to that of my friend from New Mexico. It would simply increase funding for the Defense Environmental Cleanup Act, specifically the NNSA labs, by just under \$22 million to bring it up to the level of

the President's request and decrease funding for the NNSA Office of the Administrator by the same amount.

I offer this amendment because, to put it simply, it's a more effective use of taxpayer funds for NNSA to remove dangerous toxic waste from their lab's property than it is to maintain the current levels of redundant oversight bureaucracy.

Last June, the Las Conchas fire burned 150,000 acres in my district in New Mexico and encircled Los Alamos National Laboratory. Had the fire burned contaminated areas on the lab property, a plume of toxic smoke would have threatened the health of everyone in its path. The lab has promised to clean these areas, many of which contain waste from, if you can believe this, Mr. Chairman, the Manhattan Project and Cold War weapons programs; but Congress must also fulfill its obligation to appropriate funds for the cleanup.

While the NNSA labs have pressing environmental issues that demand our attention, there has been increasing evidence that paring back the NNSA's Office of the Administrator could actually make the Agency and its labs more cost effective and productive. A recent report by the National Academies of NNSA's management of its laboratories concluded that the NNSA's oversight had become inefficient and a distraction from the labs' vital mission.

Following a series of hearings, the House Armed Services Committee added provisions to the FY2013 National Defense Authorization Act that this body passed a few weeks ago to change NNSA's approach and reduce its personnel. This amendment is consistent with these provisions. If there are going to be fewer authorized NNSA personnel, then NNSA's funding should reflect that.

My budget-neutral amendment reduces outlays by \$3 million next fiscal year by simply moving funds from the NSA regulatory arm to a place where they put boots on the ground and support cleanup.

And while I very much appreciate the work of the chairman and the ranking member and the entire committee in this for their commitment to cleanup, it's my hope, Mr. Chairman, that I be able to emphasize to our distinguished leaders managing the floor of the dire situation that needs attention in New Mexico and around the country.

Mr. Chairman, I urge adoption of this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in reluctant opposition to the gentleman's amendment.

I want to thank my colleague from New Mexico, as I did Mr. PEARCE, for

his continued advocacy for the cleanup at Los Alamos. The committee is well aware of the increasing vulnerability of above-ground radioactive waste being stored at Los Alamos, and share the Members' concerns. As a result, our bill strongly supports accelerating the cleanup efforts there, providing a total of \$215 million for cleanup at the site.

The bill increases funding \$30 million, or 45 percent above the Fiscal Year 2012 level. That makes the increase for Los Alamos the largest site expenditure increase across all the cleanups in our bill. But understandably, of course, you'd like more.

We look forward to working with the Member to see what we could do to be of additional assistance.

I would be happy to yield to the ranking member for any comments he would make.

Mr. VISCLOSKY. I appreciate the chairman yielding and would add my words to his and would want to work with the gentleman, as well as the former speaker from New Mexico. They have a very serious problem they're trying to address.

My concern is with problems we have with management at the Department, and this would, I think, complicate that problem, given the increase that NNSA has. But, again, I understand what the gentleman is trying to do and would like to work with him and the chair.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. LUJÁN).

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

Mr. LUJÁN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

The Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING RESCISSION OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one ambulance and one fire truck for replacement only, \$4,930,078,000, to remain available until expended: *Provided*, That of such amount, \$315,607,000 shall be available until September 30, 2014, for program direction: *Provided further*, That of the unobligated balances from prior year appropriations available under this heading, \$10,000,000 is hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated



by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

#### OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, \$813,364,000, to remain available until expended: *Provided*, That of such amount, \$114,858,000 shall be available until September 30, 2014, for program direction.

#### POWER MARKETING ADMINISTRATION

##### BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are approved for construction of, or participating in the construction of, a high voltage line from Bonneville's high voltage system to the service areas of requirements customers located within Bonneville's service area in southern Idaho, southern Montana, and western Wyoming; and such line may extend to, and interconnect in, the Pacific Northwest with lines between the Pacific Northwest and the Pacific Southwest, and for John Day Re-programming and Construction, the Columbia River Basin White Sturgeon Hatchery, and Kelt Reconditioning and Reproductive Success Evaluation Research, and, in addition, for official reception and representation expenses in an amount not to exceed \$7,000: *Provided*, That during fiscal year 2013, no new direct loan obligations may be made.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. I appreciate the recognition, and would yield, at this point in time, to my colleague from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from Indiana very much.

I just rise to briefly talk about light bulbs, because I know it's a subject of great interest to all of the Members, and I know that there is going to be an effort by some Republican Members later on tonight to repeal the new light bulb efficiency laws. And I just rise to do a little bit of an explanation of what has happened.

Five years ago a law passed here on the floor of the House, and it became law. And that law said that these old light bulbs, these light bulbs that Thomas Alva Edison invented and people really love, they had to be made 28 percent more efficient in order to be sold in the United States. They really hadn't been made much more efficient.

And a lot of people, they really love old light bulbs. They don't want their automobiles to look the same way they did 50 years ago. They don't want their television sets to look the same way they did 50 years, they don't want their cell phones to look the same way they did 15 years ago; but they really want their light bulbs to look the same, many people.

And so here's what the American lighting industry did: Sylvania and General Electric, they make the same light bulb now. It gives off the same color, looks the same. Grandma had this light bulb in her house that gave off that warm glow that you remember from when you visited Grandma. Well, the new one gives off the same warm glow, except for this, that over the life of this new light bulb, you save \$5 over what Grandma had to pay to the electric company to keep it on. You save five bucks because it's so much more efficient.

Now, it seems to me that we shouldn't be trying to repeal a law like that that reduces the amount of electricity that every American needs to use in their home. And by the way, times every light bulb in your home over the course of a year, you're going to save \$100 to \$160 every year. Same light bulb. It's on the market today. You can go out and buy it. You don't have to hoard it.

I know some people are hoarding the old light bulbs that are 28 percent less efficient, and that's their right. They can do that. But you can go to the department store and buy the same light bulb, same looking light bulb, and save \$5 over the life of that light bulb giving off the same amount of light.

Now, I'm not saying that you have to go out and buy one of these squiggly deals. Now, if you do go out and buy one of these squiggly deals, you actually have 78 percent more efficiency and you save even more money if you buy one of these. But no one's saying you have to. You can use the same old light bulb. It's in the store today. Nothing got banned in terms of the old light bulb technology. It's still the same incandescent light bulb that Grandma used, except it's 28 percent more efficient.

And I'm definitely not saying you've got to buy one of these new jobs which are in the stores as well. This only saves you \$130 over the course of the 20-year life of this light bulb. In fact, increasingly, what's going to happen is that when people move, in addition to packing up their television sets and their sofas, they're going to be packing up their light bulbs because these things save you money, \$130 per light bulb over the course of this light bulb.

But, again, you don't have to buy this if you don't like the way it looks. You don't have to buy one of these squiggly deals because you don't like the way it looks. You can go to the store and just buy the same light bulb that your grandma bought, that your great grandma bought, because this thing goes back, really, to the beginning of the 20th century. And you can have the exact same feel, look in your living room, in your kitchen, in your bedrooms.

□ 1640

Again, I just wanted to make this very clear to all of the Members, because in the course of the debate today,

we're going to have this discussion, but I have no idea why you would want to ban something that's 28 percent more efficient. Refrigerators are more efficient than they were 50 years ago; automobiles are; there has been a dramatic reduction in the cost of making a phone call on a cell phone; and now light bulbs are in the same category, but they look exactly the same.

I am just, again, making the point so that later on in the day, as we perhaps have a roll call on this, that Members can understand what they're voting for.

Mr. VISCLOSKY. I appreciate the gentleman's illuminating comments.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

#### OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, and including official reception and representation expenses in an amount not to exceed \$1,500, \$8,732,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to \$8,732,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than \$0: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$87,696,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

#### OPERATION AND MAINTENANCE,

##### SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed \$1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, \$44,200,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to \$32,308,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole

purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than \$11,892,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to \$41,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That, for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

#### CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed \$1,500; \$291,920,000, to remain available until expended, of which \$281,702,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to \$195,790,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than \$96,130,000, of which \$85,912,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, not more than \$3,375,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to \$242,858,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

#### FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, \$5,555,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255) as amended: *Provided*, That notwithstanding the provisions of that Act and of 31

U.S.C. 3302, up to \$5,335,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2013 appropriation estimated at not more than \$220,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

#### FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed \$3,000, \$304,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed \$304,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2013 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2013 so as to result in a final fiscal year 2013 appropriation from the general fund estimated at not more than \$0.

#### GENERAL PROVISIONS, DEPARTMENT OF ENERGY

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 301. (a) No appropriation, funds, or authority made available by this title for the Department of Energy shall be used to initiate or resume any program, project, or activity or to prepare or initiate Requests For Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

(b) The Department of Energy may not, with respect to any program, project, or activity that uses budget authority made available in this title under the heading "Department of Energy—Energy Programs", enter into a multi-year contract, award a multi-year grant, or enter into a multi-year cooperative agreement unless:

(1) the contract, grant, or cooperative agreement is funded for the full period of performance as anticipated at the time of award; or

(2) the contract, grant, or cooperative agreement includes a clause conditioning the Federal Government's obligation on the availability of future-year budget authority and the Secretary notifies the Committee on Appropriations of the House of Representatives and the Senate at least 14 days in advance.

(c) Except as provided in subsections (d), (e), and (f), the amounts made available by this title shall be expended as authorized by law for the projects and activities specified in the "Bill" column in the "Department of Energy" table or the text included under the heading "Title III—Department of Energy" in the report of the Committee on Appropriations accompanying this Act.

(d) The amounts made available by this title may be reprogrammed for any program, project, or activity, and the Department shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days prior to the use of any proposed reprogramming which would cause any program, project, or activity funding level to increase or decrease by more than \$5,000,000 or 10 percent, whichever is less, during the time period covered by this Act.

(e) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates, initiates, or eliminates a program, project, or activity;

(2) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(3) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(f)(1) The Secretary of Energy may waive any requirement or restriction in this section that applies to the use of funds made available for the Department of Energy if compliance with such requirement or restriction would pose a substantial risk to human health, the environment, welfare, or national security.

(2) The Secretary of Energy shall notify the Committees on Appropriations of any waiver under paragraph (1) as soon as practicable, but not later than 3 days after the date of the activity to which a requirement or restriction would otherwise have applied. Such notice shall include an explanation of the substantial risk under paragraph (1) that permitted such waiver.

SEC. 302. The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 303. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of the Intelligence Authorization Act for fiscal year 2013.

SEC. 304. None of the funds made available in this title shall be used for the construction of facilities classified as high-hazard nuclear facilities under 10 CFR Part 830 unless independent oversight is conducted by the Office of Health, Safety, and Security to ensure the project is in compliance with nuclear safety requirements.

SEC. 305. None of the funds made available in this title may be used to approve a Critical Decision-2 or Critical Decision-3 under Department of Energy Order 413.3B, or any successive departmental guidance, for construction projects where the total project cost exceeds \$100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 306. None of the funds made available in this title may be used to make a grant allocation, discretionary grant award, discretionary contract award, or Other Transaction Agreement, or to issue a letter of intent, totaling in excess of \$1,000,000, or to announce publicly the intention to make such an allocation, award, or Agreement, or to issue such a letter, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the

Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an allocation, award, or Agreement, or issuing such a letter: *Provided*, That if the Secretary of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an allocation, award, or Agreement may be made, or a letter may be issued, without advance notification, and the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives not later than 5 full business days after the date on which such an allocation, award, or Agreement is made or letter issued: *Provided further*, That the notification shall include the recipient of the award, the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account and program from which the funds are being drawn, the title of the award, and a brief description of the activity for which the award is made.

SEC. 307. None of the funds made available by this or any subsequent Act for fiscal year 2013 or any fiscal year hereafter may be used to pay the salaries of Department of Energy employees to carry out section 407 of division A of the American Recovery and Reinvestment Act of 2009.

SEC. 308. Section 20320(c) of division B of Public Law 109-289, as added by Public Law 110-5, is amended by striking "an annual review" and inserting "a review every 3 years".

SEC. 309. Not later than June 30, 2013, the Secretary shall submit to the House and Senate Committees on Appropriations a tritium and enriched uranium management plan that provides:

(a) An assessment of the national security demand for tritium through 2060;

(b) An assessment of the national security demand for low and highly enriched uranium through 2060;

(c) A description of the Department of Energy's plan to provide adequate amounts of tritium for national security purposes through 2060, including the derivation of adequate supplies of enriched uranium and its use;

(d) An analysis of planned and alternative tritium production technologies, including weapons dismantlement;

(e) An analysis of planned and alternative enriched uranium production technologies, including down-blending, which are available to meet the supply needs for national security programs through 2060.

SEC. 310. None of the funds made available in this Act may be used for uranium transactions that do not conform to the excess uranium inventory management plan submitted pursuant to the Consolidated Appropriations Act, 2012.

SEC. 311. No funds within this Act shall be expended to promulgate the final rule pursuant to Section 433 of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834) and no funds shall be used to implement any final rule implementing Section 433 of the Energy Independence and Security Act of 2007, Pub. L. No. 110-140 (Dec. 19, 2007) (codified at 42 U.S.C. § 6834).

SEC. 312. None of the funds made available in this title or funds available in the Bonneville Power Administration Fund may be used by the Department of Energy for any new program, project, or activity required by or otherwise proposed in the memorandum from Steven Chu, Secretary of Energy, to the Power Marketing Administrators with the subject line "Power Marketing Administrations' Role" and dated March 16, 2012.

Mr. FRELINGHUYSEN (during the reading). Mr. Chairman, I ask unani-

mous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES  
APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding 40 U.S.C. 14704, and for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, \$75,317,000, to remain available until expended.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 47, line 22, after the dollar amount, insert "(reduced by \$75,317,000)".

Page 48, line 14, after the dollar amount, insert "(reduced by \$11,677,000)".

Page 48, line 20, after the dollar amount, insert "(reduced by \$10,679,000)".

Page 49, line 9, after the dollar amount, insert "(reduced by \$1,425,000)".

Page 49, line 17, after the dollar amount, insert "(reduced by \$250,000)".

Page 56, line 24, after the dollar amount, insert "(increased by \$99,348,000)".

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I introduced this amendment because it is high time that we take our debt and our deficit seriously. We no longer can afford to go on with politics as usual and continue to subsidize wasteful spending programs and policies that redistribute wealth and that really have zero economic impact.

These supposed economic development programs that are referred to in my amendment are anything but that. Instead, they're really wasteful programs that the Government Accountability Office, the GAO, has found to be duplicative. In other words, there are other bills and there are other programs that do exactly the same things. These are wasted tax dollars that do

the same things over and over again. Really, they have no track record of success.

In 2009, the Congressional Budget Office and White House Office of Management and Budget found that the Denali Commission, the Appalachian Regional Commission, and the Delta Regional Authority had 29 duplicative programs—not one, not 10, not a dozen—29 that do essentially the same thing. Furthermore, Citizens Against Government Waste has found that the Denali Commission duplicates several programs in the Labor Department.

Last year, the GAO released a report detailing Federal programs that overlap and provide similar services as a supplement to its report, the title of which is "Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue." In this report, the GAO revealed the names of 80 Federal economic development programs administered by four different agencies.

Surely, my colleagues in the House do not favor paying twice for the same program. Yet, Mr. Chairman, the decision to continue the funding for these regional commissions will do exactly that unless we eliminate them, which is what I am suggesting that we do by this amendment.

The taxpayers are fed up with the frivolous spending of our Federal Government. It's time that we identify wasteful programs—that's what we are doing here—and cut them. Numerous agencies and organizations have plainly stated and repeatedly recommended the dismantling of these types of programs. Congress ought to listen and heed these requests, and that's what I'm suggesting that we do in this particular legislation.

I am suggesting in here programs that affect my own area. I'm not just saying let's go into other areas around the country. The Appalachian area is an area of the country that I represent, the same general area. I'm saying let's not just do it in Alaska or out West or somewhere else. We ought to do it right at home and in my district as well. So that's what I'm suggesting is that we eliminate these programs. As I indicated, it's supported by Citizens Against Government Waste, and there are a number of other budget-cutting types of organizations that are in favor of this, so I would recommend my colleagues support this amendment.

I yield back the balance of my time.

Mr. ROGERS of Kentucky. I rise in opposition to the amendment.

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

Mr. ROGERS of Kentucky. Appalachia confronts a combination of challenges that few other parts of the country face: mountainous terrain and isolation, a dispersed population, inadequate infrastructure, a lack of financial and human resources, and a weak track record in applying for and receiving assistance from other Federal programs.

For decades, Appalachia has experienced an economic lag. Even during years of economic expansion, employment growth in this 13-State region was significantly lower than the Nation's as a whole. Even with ARC's funding, in fiscal '09, Appalachia received 33 percent fewer Federal expenditures per capita than the Nation. It's clear ARC programs do not duplicate other Federal programs. Instead, they extend the reach of those programs. In the last 5 years, every dollar of ARC investment yielded \$10 of private sector investment. Clearly, ARC is an effective and efficient steward of the taxpayer dollar, targeting these funds where they are needed the most.

As a result, 125,000 households were served by infrastructure. Nearly 140,000 jobs were created or retained. And 100,000 students received vital job training skills. In addition, completing the Appalachian Development Highway System is expected to generate some \$5 billion in annual economic benefit for the entire country by 2035.

But perhaps just as important as ARC's winning investment strategies is its working knowledge of the communities served. When storms ripped through rural Kentucky last March, leveling entire towns and particularly devastating the community of West Liberty, ARC was one of the first agencies on the ground to support and coordinate the State, local, and Federal response.

Largely because of ARC, these communities have a sense of hope for a successful rebuild and restoration. The Appalachian Regional Commission is uniquely qualified to administer these much-needed and targeted Federal investments to close the economic gap between Appalachia and the rest of the Nation and bring the region's 420 counties and 25 million people into the Nation's economic mainstream.

We must uphold our commitment to the American people to reduce the size and scope of government while maintaining the funding for proven effective programs like ARC that create jobs and keep the economy moving. I am confident ARC will continue its strong legacy of creating jobs and positive change in areas of the country which have been bypassed by opportunity. I urge a "no" vote.

I yield back the balance of my time.

Mr. CHABOT. Mr. Chairman, may I ask how much time I have left of my 5 minutes?

The Acting CHAIR. The gentleman had 2 minutes, but yielded back his time.

Mr. CHABOT. I think I reserved.

The Acting CHAIR. Does the gentleman seek unanimous consent to reclaim his time?

Mr. CHABOT. I do.

The Acting CHAIR. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIR. The gentleman from Ohio is recognized for 2 minutes.

Mr. CHABOT. I will be brief.

Mr. Chairman, I have the utmost respect for our distinguished chairman. He speaks with great wisdom on many, many occasions, and I'm sure he did on this occasion as well. However, I would just reiterate a couple of things.

Number one, we did adopt a ban on earmarks, which I think was the right thing to do. It was really a proclamation to the American people that we are serious about stopping wasteful spending. However, in essence, when we have these types of things, they are really giant earmarks to certain areas of the country.

□ 1650

They do go through scrutiny, so it is unlike an earmark in some areas. But nonetheless, these are benefiting certain parts of the country at the expense of other parts of the country, similarly to what an earmark does. I just think they are really bad policy, and as I indicated, duplicative in many instances. So we have different programs doing exactly the same thing, and we're really wasting dollars.

Prudence says that we must reduce spending and must pay down our debt. We have to do it. If we're going to do it, this is the type of thing we really have to cut, and this would go towards deficit reduction. We have got a \$13 trillion deficit. We need to start working on it. I just think this is one way to attempt to do that.

Additionally, Mr. Chairman, I would note that it's the responsibility for providing aid in supporting local and regional development type things. It's the States and local governments—not the Federal Government—that ought to be funding these types of things. They are closer to the people, and they are closer to monitoring the situation. It ought not to be the Federal Government doing these types of things.

I urge my colleagues to support 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 Ohio (Mr. CHABOT).

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

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. REED

Mr. REED. Mr. Chairman, I have an amendment at the desk, and I ask unanimous consent to consider the amendment out of order.

The Acting CHAIR. Is there objection to considering the amendment at this point?

Hearing none, the Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 5, after the dollar amount insert "(increased by \$36,000,000)".

Page 28, line 16, after the dollar amount insert "(reduced by \$18,000,000)".

Page 31, line 23, after the second dollar amount insert "(reduced by \$18,000,000)".

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. REED) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. REED. Mr. Chairman, I rise today to offer this amendment in a bipartisan fashion with my colleague, Mr. HIGGINS from New York.

What we're looking to do here, Mr. Chairman, is amend the proposal before the committee to restore \$36 million in funding to non-defense environmental cleanup. Mr. Chairman, last year, a similar amendment passed the House with total votes of 261 people in favor of the proposed amendment.

Mr. Chairman, I understand the dire fiscal situation that we find ourselves in America today. What I have proposed here is putting that \$36 million out into the field to deal with nuclear waste and nuclear waste cleanup sites across America. I have one of those nuclear waste sites in my district, the West Valley Demonstration Project in western New York that abuts where Mr. HIGGINS' district is located.

What we're trying to do is take that \$36 million that is otherwise going to be used in the bureaucracy of Washington, D.C., for administrative purposes here, and allocate that money out to the field, to the sites where it can be best utilized to clean up these nuclear waste facilities and make sure that the threat of nuclear waste to all of our citizens is completely remediated and taken care of so that we do not have to deal with this year after year after year.

There are numerous reports out that show that by cleaning these facilities up sooner than later, we can potentially save hundreds of millions of dollars. So to me, at this point in time, this amendment makes sense. It recognizes the fiscal situation we find ourselves in in America and takes care of a true public safety threat to all citizens of our great country.

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in reluctant opposition to the amendment.

Our bill fully funds the request for non-defense environmental cleanup at \$198 million. I know my colleagues from New York State—Mr. REED and Mr. HIGGINS—are particularly concerned about the West Valley site in New York, and we respect their views and that they know their districts and their State well.

But this bill provides the full amount requested for the project in the President's budget. While below last year's

level, it's a reasonable reduction given the need to reduce overall Federal spending in our bill. But this amendment proposes to increase funding 18 percent over the amount of our request. This would be an unbalanced approach considering the reduction to other sites in the bill, and there are many sites in different congressional districts, a number of which have much higher hazard activities taking place. And that is not to minimize what's happening at this site.

We've prepared—in a bipartisan way—a balanced bill, one that prioritizes available funding to address the highest risk activities first while ensuring progress at lower risk sites, that that progress continues, albeit at a smaller pace. We simply cannot sustain the high levels of spending at every location and must make the hard choices to extend time lines where the risks are lower.

As an offset, the amendment would eliminate the salaries of approximately 100 employees who are engaged in carrying out vital security activities, as well as the salaries of up to another 100 employees who are carrying out a variety of, I think, critically important energy and science programs at the Department of Energy.

I know their heart is in the right place. I know that they want to do more things to clean up the site in their home State, but I reluctantly oppose their amendment for the reasons that I've outlined.

I yield back the balance of my time.

Mr. REED. Mr. Chairman, I yield the balance of my time to my colleague from New York (Mr. HIGGINS).

Mr. HIGGINS. Mr. Chairman, I rise in strong support of this bipartisan amendment to provide adequate funding for the non-defense environmental cleanup program.

One of the most important roles of government is to protect public health and safety. However, the amount of money appropriated in this bill is insufficient to do one of these most important areas. Our amendment ensures that nuclear cleanup sites get the funding they need to protect surrounding communities from radioactive contamination.

In my community and that of Mr. REED's in western New York, the West Valley Nuclear Waste Reprocessing Plant was established in the 1960s in response to a Federal call to commercialize the reprocessing of spent nuclear fuel from power reactors. Just a few years ago, the site ceased operation, and more than 600,000 gallons of high-level radioactive waste was left behind, posing a significant and enduring hazard. This site, prone to erosion, contains streams that drain into Lake Erie, located just 30 miles away. We have already seen a leak on the site develop into a plume of radioactive groundwater. If this radioactive waste makes its way into the Great Lakes, the largest source of surface fresh water in the world, the environmental

and economic implications would be devastating. Without question, this hazardous and radioactive waste and the contamination that remains is one of our Nation's largest environmental liabilities.

Mr. Chairman, in these cleanup efforts, time is money. Failing to adequately fund the non-defense environmental cleanup program decelerates cleanup efforts. For the past four decades, progress in cleaning up West Valley has been delayed by legal disputes and funding shortfalls. For West Valley, this means \$30 million in added maintenance costs per year. In the current budgetary climate, it is more important than ever that the Federal Government use taxpayers' money most efficiently.

Mr. Chairman, we cannot jeopardize the irreplaceable natural resources of the Great Lakes or the communities and resources near other nuclear sites across this Nation by continuing to underfund this cleanup program.

□ 1700

I'm proud to work with my friend and colleague, Mr. REED, on this important issue, and I urge support on this bipartisan amendment to ensure we finish the job.

Mr. REED. 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. REED).

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

Mr. REED. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 56, line 24, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of that portion of the bill is as follows:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, \$29,415,000, to remain available until September 30, 2014.

DELTA REGIONAL AUTHORITY  
SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$11,677,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and ac-

quisition of plant and capital equipment as necessary and other expenses, \$10,679,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105-277), as amended by section 701 of appendix D, title VII, Public Law 106-113 (113 Stat. 1501A-280), and an amount not to exceed 50 percent for non-distressed communities.

NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$1,425,000, to remain available until expended: *Provided*, That such amounts shall be available for administrative expenses, notwithstanding section 15751(b) of title 40, United States Code.

SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, \$250,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed \$25,000), \$1,038,800,000, to remain available until expended: *Provided*, That of the amount appropriated herein, not more than \$9,500,000 may be made available for salaries, travel, and other support costs for the Office of the Commission, of which, notwithstanding section 201(a)(2)(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5841(a)(2)(c)), the use and expenditure shall only be approved by a majority vote of the Commission: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$911,772,000 in fiscal year 2013 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2013 so as to result in a final fiscal year 2013 appropriation estimated at not more than \$127,028,000: *Provided further*, That of the amounts appropriated under this heading, \$10,000,000 shall be for university research and development in areas relevant to their respective organization's mission, and \$5,000,000 shall be for a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$11,020,000, to remain available until September 30, 2014: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at \$9,918,000 in fiscal year 2013 shall be retained and be available until September 30, 2014, for necessary salaries and expenses in this account, notwithstanding section 3302 of title 31, United States Code: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during

fiscal year 2013 so as to result in a final fiscal year 2013 appropriation estimated at not more than \$1,102,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD  
SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, \$3,400,000, to be derived from the Nuclear Waste Fund established in section 302(c) of such Act (42 U.S.C. 10222(c)) and to remain available until expended.

OFFICE OF THE FEDERAL COORDINATOR FOR  
ALASKA NATURAL GAS TRANSPORTATION  
PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, \$1,000,000: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110-140 in fiscal year 2013 in excess of \$2,000,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

GENERAL PROVISIONS, INDEPENDENT  
AGENCIES

SEC. 401. (a) None of the funds provided for "Nuclear Regulatory Commission—Salaries and Expenses" in this Act or prior Acts shall be available for obligation or expenditure through a reprogramming of funds that—

(1) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act; or

(2) reduces funds that are directed to be used for a specific program, project, or activity by this Act.

(b) The Chairman of the Nuclear Regulatory Commission may not terminate any program, project, or activity without the approval of a majority vote of the Commissioners of the Nuclear Regulatory Commission approving such action.

(c) The Nuclear Regulatory Commission may waive the restriction on reprogramming under subsection (a) on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and the Senate that such action is required to address national security or imminent risks to public safety. Each such waiver certification shall include a letter from the Chairman of the Commission that a majority of Commissioners of the Nuclear Regulatory Commission have voted and approved the reprogramming waiver certification.

SEC. 402. The Chairman of the Nuclear Regulatory Commission shall notify the Committees on Appropriations of the House of Representatives and the Senate not later than 1 day after the Chairman begins performing functions under the authority of section 3 of Reorganization Plan No. 1 of 1980, or after a member of the Commission who was delegated emergency functions under subsection (b) of that section begins performing those functions. Such notification shall include an explanation of the circumstances warranting the exercise of such authority. The Chairman shall report to the Committees, not less frequently than once each week, on the actions taken by the Chairman, or a delegated member of the Commission, under such authority, until the authority is relinquished. The Chairman shall notify the Committees not later than 1 day after such authority is relinquished. The Chairman shall submit the report required by section 3(d) of the Reorganization Plan No. 1 of 1980 to the Committees not later than 1 day after it was submitted to the Commission.

TITLE V—GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or

indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

SEC. 503. None of the funds made available under this Act may be expended for any new hire by any Federal agency funded in this Act that is not verified through the E-Verify Program as described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 504. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 505. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 506. None of the funds made available by this Act may be used in contravention of Executive Order No. 12898 of February 11, 1994 ("Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations").

SEC. 507. No funds made available by this Act may be used to pay for mitigation associated with the removal of Federal Energy Regulatory Commission Project number 2342.

SEC. 508. None of the funds made available in this Act may be used to conduct closure of adjudicatory functions, technical review, or support activities associated with the Yucca Mountain geologic repository license application, or for actions that irrevocably remove the possibility that Yucca Mountain may be a repository option in the future.

SPENDING REDUCTION ACCOUNT

SEC. 509. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

LATOURETTE) having assumed the chair, Mr. FORTENBERRY, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

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

Record votes on postponed questions will be taken later in the day.

AUTHORIZATION OF CONVEYANCE  
OF CERTAIN LANDS IN LOS PADRES  
NATIONAL FOREST

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 241) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The SPEAKER pro tempore. The gentleman may withdraw as a matter of right. The motion is withdrawn.

CENTRAL OREGON JOBS AND  
WATER SECURITY ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2060) to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2060

*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 "Central Oregon Jobs and Water Security Act".*

**SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.**

*Section 3(a)(72) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(72)) is amended as follows:*

(1) *By striking "15-mile" and inserting "14.75-mile".*



(2) In subparagraph (B)—

(A) by striking “8-mile” and all that follows through “Bowman Dam” and inserting “7.75-mile segment from a point one-quarter mile downstream from the toe of Bowman Dam”; and

(B) by adding at the end the following: “The developer for any hydropower development, including turbines and appurtenant facilities, at Bowman Dam, in consultation with the Bureau of Land Management, shall analyze any impacts to the Outstandingly Remarkable Values of the Wild and Scenic River that may be caused by such development, including the future need to undertake routine and emergency repairs, and shall propose mitigation for any impacts as part of any license application submitted to the Federal Energy Regulatory Commission.”.

### SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.

Section 4 of the Act of August 6, 1956 (70 Stat. 1058), (as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954)) is further amended as follows:

(1) By striking “ten cubic feet” the first place it appears and inserting “17 cubic feet”.

(2) By striking “during those months when there is no other discharge therefrom, but this release may be reduced for brief temporary periods by the Secretary whenever he may find that release of the full ten cubic feet per second is harmful to the primary purpose of the project”.

(3) By adding at the end the following: “Without further action by the Secretary, and as determined necessary for any given year by the City of Prineville, up to seven of the 17 cubic feet per second minimum release shall also serve as mitigation for City of Prineville groundwater pumping, pursuant to and in a manner consistent with Oregon State law, including any shaping of the release of the up to seven cubic feet per second to coincide with City of Prineville groundwater pumping as may be required by the State of Oregon. As such, the Secretary is authorized to make applications to the State of Oregon in conjunction with the City to protect these supplies instream. The City shall make payment to the Secretary for that portion of the minimum release that actually serves as mitigation pursuant to Oregon State law for the City in any given year, with the payment for any given year equal to the amount of mitigation in acre feet required to offset actual City groundwater pumping for that year in accordance with Reclamation ‘Water and Related Contract and Repayment Principles and Requirements’, Reclamation Manual Directives and Standards PEC 05-01, dated 09/12/2006, and guided by ‘Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies’, dated March 10, 1983. The Secretary is authorized to contract exclusively with the City for additional amounts in the future at the request of the City.”.

### SEC. 4. FIRST FILL PROTECTION.

The Act of August 6, 1956 (70 Stat. 1058), as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954), is further amended by adding at the end the following:

“SEC. 6. Other than the 17 cubic feet per second release provided for in section 4, and subject to compliance with the Army Corps of Engineers’ flood curve requirements, the Secretary shall, on a ‘first fill’ priority basis, store in and release from Prineville Reservoir, whether from carryover, infill, or a combination thereof, the following:

“(1) 68,273 acre feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011, and up to 2,740 acre feet of water annually to supply the McKay Creek lands as provided for in section 5 of this Act.

“(2) Not more than 10,000 acre feet of water annually, to be made available to the North Unit Irrigation District pursuant to a Temporary Water Service Contract, upon the request

of the North Unit Irrigation District, consistent with the same terms and conditions as prior such contracts between the District and the Bureau of Reclamation.

“SEC. 7. Except as otherwise provided in this Act, nothing in this Act—

“(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

“(2) amends or reopens contracts referred to in paragraph (1); or

“(3) modifies any rights, obligations, or requirements that may be provided or governed by Oregon State law.”.

### SEC. 5. OCHOCO IRRIGATION DISTRICT.

(a) EARLY REPAYMENT.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Ochoco Irrigation District in Oregon, may repay, at any time, the construction costs of the project facilities allocated to that landowner’s lands within the district. Upon discharge, in full, of the obligation for repayment of the construction costs allocated to all lands the landowner owns in the district, those lands shall not be subject to the ownership and full-cost pricing limitations of the Act of June 17, 1902 (43 U.S.C. 371 et seq.), and Acts supplemental to and amendatory of that Act, including the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.).

(b) CERTIFICATION.—Upon the request of a landowner who has repaid, in full, the construction costs of the project facilities allocated to that landowner’s lands owned within the district, the Secretary of the Interior shall provide the certification provided for in subsection (b)(1) of section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(c) CONTRACT AMENDMENT.—On approval of the district directors and notwithstanding project authorizing legislation to the contrary, the district’s reclamation contracts are modified, without further action by the Secretary of the Interior, to—

(1) authorize the use of water for instream purposes, including fish or wildlife purposes, in order for the district to engage in, or take advantage of, conserved water projects and temporary instream leasing as authorized by Oregon State law;

(2) include within the district boundary approximately 2,742 acres in the vicinity of McKay Creek, resulting in a total of approximately 44,937 acres within the district boundary;

(3) classify as irrigable approximately 685 acres within the approximately 2,742 acres of included lands in the vicinity of McKay Creek, where the approximately 685 acres are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights; and

(4) provide the district with stored water from Prineville Reservoir for purposes of supplying up to the approximately 685 acres of lands added within the district boundary and classified as irrigable under paragraphs (2) and (3), with such stored water to be supplied on an acre-per-acre basis contingent on the transfer of existing appurtenant McKay Creek water rights to instream use and the State’s issuance of water rights for the use of stored water.

(d) LIMITATION.—Except as otherwise provided in subsections (a) and (c), nothing in this section shall be construed to—

(1) modify contractual rights that may exist between the district and the United States under the district’s Reclamation contracts;

(2) amend or reopen the contracts referred to in paragraph (1); or

(3) modify any rights, obligations or relationships that may exist between the district and its landowners as may be provided or governed by Oregon State law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the

gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2060, sponsored by our colleague from Oregon (Mr. WALDEN), is an important step towards restoring water and power abundance and jobs to a rural area that has been devastated by Federal logging restrictions.

This bill is a reflection of years of negotiation. Its supporters include those who would normally be water adversaries in most parts of the West. Municipalities, irrigators, the Warm Spring Tribes utilities, organized labor, and environmental organizations have come together to support this legislation.

I commend my colleague from Oregon for working hard to bring these many parties together, and I urge adoption of this commonsense legislation.

I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

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

Mr. GRIJALVA. Mr. Speaker, H.R. 2060, as my colleague described, does several things, including providing water and economic certainty to the city of Prineville and the Ochoco Irrigation District. It does so in a way, however, that provides certainty for the city and agriculture, but not the future needs of the environment.

The legislation also mandates how Reclamation is to operate and manage the Prineville Reservoir through the first-fill provision and removes some flexibility on Reclamation’s part to mitigate and adapt to changing conditions.

We still do not fully support the first-fill provision but understand that there are ongoing negotiations that look at providing the certainty that the city needs while protecting the environment. Stakeholder-driven processes are the best way to answer our community’s needs, and we look forward to working with our colleagues in the Senate and on the other side of the aisle to ensure that all needs are met and protected.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the author of this legislation, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Thank you, Chairman HASTINGS and Ranking Member GRIJALVA, for your support for the commonsense Central Oregon Jobs and Water Security Act.

This bill we have before us today will create jobs in central Oregon, remove government red tape. It will protect family farmers and improve both water flows and quality of water for fish and for wildlife, all without costing taxpayers one cent. We made it completely cost-neutral.

Now the city of Prineville is the county seat of Crook County. It's located in the heart of Oregon's central Oregon, and it's along the Crooked River. Crook County was among the hardest hit in the economic downturn that we have all suffered, where unemployment even today—even today—is at over 14 percent, one of the highest rates, if not the highest, in the State of Oregon.

Nonetheless, jobs and economic growth are on the rise in Crook County. Facebook recently built their first custom data center in Prineville and is currently expanding that project. Apple recently announced that it is going to build a data center there and has actually already begun construction.

Chairman HASTINGS knows well how important the technology sector can be to rural communities. Prineville is on the verge of becoming another Quincy, Washington, which is home to Yahoo, Microsoft, Dell, and others.

To pursue new economic development, however, Prineville needs more water. Roughly 20 miles upriver from Prineville sits Bowman Dam and Prineville Reservoir, a Bureau of Reclamation project, which holds 80,000 acre feet of uncontracted water, 80,000 acre feet that is just sitting there uncontracted.

This bill would allow Prineville to access roughly 6 percent of that water, or 5,100 acre feet, and the city would pay a fair market value for the water. That extra water would allow the city to tell prospective companies, hey, you can bring your business and jobs to Prineville. We now have the water that you need. That's certainty in the job market.

It would also allow the city to provide water to an additional 500 homes within the city limits, which currently the city of Prineville can't do because it has maxed out its mitigation credits. You're talking about 500 homes inside the city limits that don't have access to city water that this bill now will allow them to have access to.

Because the city would access the water through the ground and not from directly behind the dam, that extra allocation of water would increase the minimum release of water from Bowman Dam by up to 7 cubic feet per second. Now, that's a lot.

□ 1710

In dry years, particularly in the winter, this higher release requirement

could benefit fish and wildlife, including the blue-ribbon trout fishery below Bowman Dam.

This legislation also fixes a BLM error regarding the exact location of the Crooked River wild and scenic boundary line. Currently, the wildlife and scenic line runs directly over the crest of Bowman Dam. Mr. Chairman and Ranking Member GRIJALVA, let me assure there's nothing wild or scenic about the top of a dam unless you're falling over the edge of it. This is a picture of where that is. If you follow the center line of this road, that's where the current law says the wild and scenic boundary starts. We move it downriver, where it really belongs.

As a result, we create another economic opportunity for the region—development of small-scale renewable hydropower that would create roughly 50 construction jobs over the course of 2 years. This dam doesn't have hydro on it today. Adding the hydro actually improves the release of the water, making it better for the fish, and it creates new hydroenergy and construction jobs. My legislation also protects the Ochoco Irrigation District farmers and assures they will continue to operate their family-run farms for generations to come.

Finally, this bill expedites the McKay Creek project, which will result in increased water flows for redband trout and summer steelhead. This project has long been supported by the Warm Springs Tribe and the Deschutes River Conservancy. So I want to thank and commend the Warm Springs tribal leaders and tribal members for their hard work and working in partnership with me on this legislation. Their collaborative approach has really made a difference in issues in the Deschutes Basin, and we appreciate the partnership and leadership that the tribal leaders have shown.

This is a good, commonsense, job-creating bill. It's a culmination of years of collaboration between the City of Prineville, Crook County, farmers, the Warm Springs Tribes, and the Deschutes River Conservancy.

I want to thank Mayor Roppe and County Judge McCabe for their leadership in working through this process. Mayor Roppe has testified before the House Natural Resources Committee and has done an excellent job advocating for the City of Prineville. Judge McCabe has worked tirelessly on these issues to attract tech companies like Facebook and Apple to Crook County. Hopefully, with positive steps like the passage of this legislation, more companies will soon bring their jobs to Prineville and central Oregon.

So I appreciate the assistance of Ranking Member ED MARKEY, along with Ranking Member GRACE NAPOLITANO and, of course, Mr. GRIJALVA, as well as Chairman HASTINGS. Thank you again for your help in moving forward on the Central Oregon Jobs and Water Security Act. I look forward to this legislation finally becoming law.

Mr. GRIJALVA. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, so if the gentleman is prepared to yield back.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in many respects, this bill epitomizes the problems that those of us have in the West. This is a simple boundary change to something that was designated here on the Federal level. It has taken a great deal of time, and the impacts will be great for the economy in that area.

As I mentioned in my opening remarks, this has broad support from all of the local groups and local environmental groups, as the gentleman from Oregon said. Sadly, the frustration that we continue to have when we're trying to move legislation like this to help the local job economy in these areas is that you have national groups that don't live in those areas opposing it. And that's what frustrates us, because when you get people, especially on the local level, that support this, it's frustrating when have you a national group that says, Just because we're dealing with national land, we want to have a say in all of this. A big sense of frustration for us.

So I commend my friend from Oregon for moving this legislation, and I urge my colleagues to support it.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2060, 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.

### THREE KIDS MINE REMEDIATION AND RECLAMATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2512) to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2512

*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 "Three Kids Mine Remediation and Reclamation Act".*

#### SEC. 2. DEFINITIONS.

*In this Act:*

(1) HAZARDOUS SUBSTANCE; POLLUTANT OR CONTAMINANT; RELEASE; REMEDY; RESPONSE.—

The terms “hazardous substance”, “pollutant or contaminant”, “release”, “remedy”, and “response” have the meanings respectively set forth for those terms in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(2) HENDERSON REDEVELOPMENT AGENCY.—The term “Henderson Redevelopment Agency” means the public body, corporate and politic, known as the redevelopment agency of the City of Henderson, Nevada, established and authorized to transact business and exercise its powers in accordance with the Nevada Community Redevelopment Law (Nev. Rev. Stat. 279.382 to 279.685, inclusive).

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Nevada.

(5) THREE KIDS MINE FEDERAL LAND.—The term “Three Kids Mine Federal Land” means the parcel or parcels of Federal land consisting of approximately 948 acres in sections 26, 34, 35, and 36, Township 21 South, Range 63 East, Mount Diablo Meridian, Nevada, as depicted on the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

(6) THREE KIDS MINE PROJECT SITE.—The term “Three Kids Mine Project Site” means the Three Kids Mine Federal Land and the adjacent approximately 314 acres of non-Federal land, together comprising approximately 1,262 acres, as depicted on the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

### SEC. 3. LAND CONVEYANCE.

(a) IN GENERAL.—Notwithstanding sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712, 1713) and any other provision of law, as soon as practicable after fulfillment of the conditions in subsection (b), and subject to valid existing rights, the Secretary shall convey to the Henderson Redevelopment Agency all right, title, and interest of the United States in the Three Kids Mine Federal Land.

#### (b) CONDITIONS.—

(1) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall administratively adjust the fair market value of the Three Kids Mine Federal Land as determined pursuant to paragraph (2) by deducting from the fair market value of the Three Kids Mine Federal Land the reasonable approximate assessment, remediation and reclamation costs for the Three Kids Mine Project Area as determined pursuant to paragraph (3). The Secretary shall begin the appraisal and cost determination under paragraphs (2) and (3), respectively, not later than 30 days after the date of the enactment of this Act.

(2) APPRAISAL.—The Secretary shall determine the fair market value of the Three Kids Mine Federal Land based on an appraisal without regard to any existing contamination associated with historical mining or other uses on the property and in accordance with nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. The Henderson Redevelopment Agency shall reimburse the Secretary for costs incurred in performing the appraisal.

(3) REMEDIATION AND RECLAMATION COSTS.—The Secretary shall prepare a reasonable approximate estimation of the costs to assess, remediate, and reclaim the Three Kids Mine Project Site. This estimation shall be based upon the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or its designee that has been approved by the State, and shall be prepared in accordance with the current version of ASTM International Standard E-2137-06 entitled “Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters”. The Phase II environmental site assessment shall, without

limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of the current versions of ASTM International Standard E-1527-05 entitled “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” and ASTM International Standard E-1903-11 entitled “Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process”. The Secretary shall review and consider cost information proffered by the Henderson Redevelopment Agency and the State. In the event of a disagreement among the Secretary, Henderson Redevelopment Agency, and the State over the reasonable approximate estimate of costs, the parties shall jointly select one or more experts to advise the Secretary in making the final determination of such costs.

(4) CONSIDERATION.—The Henderson Redevelopment Agency shall pay the fair market value, if any, as determined under this subsection.

(5) MINE REMEDIATION AND RECLAMATION AGREEMENT EXECUTED.—The Secretary receives from the State notification, in writing, that the Mine Remediation and Reclamation Agreement has been executed. The Mine Remediation and Reclamation Agreement shall be an enforceable consent order or agreement administered by the State that—

(A) obligates a party to perform, after the conveyance of the Three Kids Mine Federal Land under this Act, the remediation and reclamation work at the Three Kids Mine Project Site necessary to complete a permanent and appropriately protective remedy to existing environmental contamination and hazardous conditions; and

(B) contains provisions determined to be necessary by the State, including financial assurance provisions to ensure the completion of such remedy.

(6) NOTIFICATION.—The Secretary receives from the Henderson Redevelopment Agency notification, in writing, that the Henderson Redevelopment Agency is prepared to accept conveyance of the Three Kids Mine Federal Land under this Act. Such notification must occur not later than 90 days after execution of the Mine Remediation and Reclamation Agreement referred to in paragraph (5).

### SEC. 4. WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, for the 10-year period following the date of the enactment of this Act or on the date of the conveyance required by this Act, whichever is earlier, the Three Kids Mine Federal Land is withdrawn from all forms of—

(1) entry, appropriation, operation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

(b) EXISTING RECLAMATION WITHDRAWALS.—Subject to valid existing rights, any withdrawal of public land for reclamation project purposes that includes all or any portion of the Three Kids Mine Federal Land for which the Bureau of Reclamation has determined that it has no further need under applicable law is hereby relinquished and revoked solely to the extent necessary to exclude from the withdrawal the land no longer needed and to allow for the immediate conveyance of the Three Kids Mine Federal Land as required under this Act.

(c) EXISTING RECLAMATION PROJECT AND PERMITTED FACILITIES.—Without limiting the general applicability of section 3(a), nothing in this Act shall diminish, hinder, or interfere with the exclusive and perpetual use by existing rights holders for the operation, maintenance, and improvement of water conveyance infrastructure and facilities, including all necessary ingress and egress, situated on the Three Kids Mine Federal Land that were constructed or permitted by the Bureau of Reclamation prior to the effective date of this Act.

### SEC. 5. ACEC BOUNDARY ADJUSTMENT.

Notwithstanding section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1717), the boundary of the River Mountains Area of Critical Environmental Concern (NVN 76884) is hereby adjusted consistent with the map entitled “Three Kids Mine Project Area” and dated February 6, 2012.

### SEC. 6. RELEASE OF THE UNITED STATES.

Upon making the conveyance under section 3, notwithstanding any other provision of law, the United States is released from any and all liabilities or claims of any kind or nature arising from the presence, release, or threat of release of any hazardous substance, pollutant, contaminant, petroleum product (or derivative of a petroleum product of any kind), solid waste, mine materials or mining related features (including tailings, overburden, waste rock, mill remnants, pits, or other hazards resulting from the presence of mining related features) at the Three Kids Mine Project Site in existence on or before the date of the conveyance.

### SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT.

Southern Nevada Public Land Management Act of 1998 (31 U.S.C. 6901 note; Public Law 105-263) shall not apply to land conveyed under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on this bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, I want to start this debate by defining clearly what H.R. 2512, the Three Kids Mine Remediation and Reclamation Act, does. This bill will create jobs, clean up an abandoned mine that is the responsibility of the United States Government, and represents a tremendous win-win for all the parties involved in this effort.

The Three Kids Mine is located in Clark County, Nevada, adjacent to the City of Henderson. The mine was operated from 1916 until 1961. From 1942 to 1955, the United States Government, through the Defense Plant Corporation, owned 446 acres of the Three Kids Mine Project site. The mine site was used to produce federally owned manganese ore for national defense purposes and was leased to the U.S. until 2003 to stockpile those nodules.

The total Three Kids Mine Project area is approximately 1,262 acres and includes 948 acres of Federal lands managed by the Bureau of Land Management and the Bureau of Reclamation, and 314 acres of private lands that include the mill site and the former processing site.

The City of Henderson, the Henderson Redevelopment Agency, Nevada

Department of Environmental Protection, Lakemoor Development, LLC, and the Bureau of Land Management have negotiated a plan to clean up and redevelop the Three Kids Mine Project site that includes the purchase of 948 acres of Federal lands. The site is contaminated with arsenic, lead, and other heavy metals and petroleum hydrocarbons. Cost estimates for cleanup and reclamation at the site range from \$300 million to over \$1 billion. The lower cost estimates apply to onsite remediation and disposal of tailings and other minerals in the open pits if it can be accomplished without contaminating groundwater. The higher cost estimate is associated with offsite disposal of the contaminated material.

The purchase price of the Federal lands would be adjusted to reflect the actual cleanup costs of the Federal and non-Federal land where the Federal Government has environmental liability resulting from the mill, the processing facilities, and the storage of Federal-owned manganese nodules. The City of Henderson and the developer would absolve the Federal Government if any liability arises for this site.

All in all, Mr. Speaker, this is a win-win for everyone involved. The environmental problems are addressed, the abandoned mine site is reclaimed and the land redeveloped for a beneficial use—all at no cost to the American taxpayer. This should provide a framework for other abandoned mine sites that are near or adjacent to small towns in larger urban areas.

That's why this legislation is needed and that's why I urge my colleagues to support this, and I reserve the balance of my time.

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

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

Mr. GRIJALVA. Mr. Speaker, H.R. 2512 would seek to address the abandoned Three Kids Mine in Nevada. The Three Kids Mine site is an abandoned manganese mine and mill near Las Vegas. Today, the abandoned mine has open mine pits and significant volumes of toxic manganese tailings containing arsenic, lead, and diesel fuel, which the BLM has said pose significant risks to public health, safety, and the environment. H.R. 2512 would direct the BLM to convey the Federal portions of the Three Kids Mine site to the Redevelopment Agency of the City of Henderson, Nevada, and require remediation and reclamation of the site.

We support the goals of H.R. 2512 to clean up the toxic abandoned mine site and commend the sponsors of the legislation on their innovative thinking with respect to addressing this problem; however, the estimates of the cost addressing this abandoned mine site are large and uncertain. According to the Bureau of Land Management, the cost of reclaiming and remediating this abandoned mine site is estimated to be between \$300 million and \$1.3 billion.

We continue to have concerns about who would assume responsibility for these costs should the cleanup be abandoned for any reason in the future because this legislation would release the United States from all liabilities related to the Three Kids Mine site, including under environmental laws such as the Comprehensive Environmental Response, Compensation, and Liability Act.

□ 1720

Such a release of liability for the United States could mean that in the event that the developer is unable to complete the cleanup of the Three Kids mine, there may be no responsible party. We also have concerns about the precedent that could be set by waiving the liability of the United States for the cleanup of the site if we are trying to ensure that private entities are held responsible for cleaning up other sites.

However, while we continue to have some concerns regarding the process outlined by the legislation, we do support the goals of H.R. 2512 to reclaim this abandoned mine site, and we do not oppose the legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm pleased to yield such time as he may consume to the author of this important piece of legislation, the gentleman from Nevada (Mr. HECK).

Mr. HECK. Mr. Speaker, I thank the chairman and ranking member for their assistance in moving forward with this important piece of legislation. I rise in support of H.R. 2512, the Three Kids Mine Remediation and Reclamation Act of 2012, legislation I introduced with the support of the entire Nevada delegation, to address a serious environmental, public safety, and abandoned mine reclamation issue in the city of Henderson, Nevada.

The Three Kids mine is an abandoned manganese mine and mill site consisting of approximately 1,262 acres of both Federal and private lands which lie within the Henderson City limits and is literally across the street from Lake Mead Parkway where there is an increasing number of homes and businesses. The Three Kids mine was owned and operated by various parties over the years, including the United States, from approximately 1917 through 1961, and used as a storage area for Federal manganese ore reserves from the late 1950s through 2003. The project site contains numerous large, unstable sheer-cliff open pits as deep as 400 feet, huge volumes of mine overburden/tailings, mill facility remnants, and waste disposal areas. To give a sense of scale, mine overburden is 10 stories high in some areas; abandoned waste ponds are up to 60 feet deep and filled with over 1 million cubic yards of gelatinous tailings containing high concentrations of arsenic, lead, and petroleum compounds.

H.R. 2512 provides an innovative solution for cleaning up the Three Kids mine site. In its simplest form, the leg-

islation directs the Secretary of the Interior to convey the Federal lands at the project site—approximately 948 acres—at fair market value, taking into account the costs of investigating and remediating the entire site, which includes an additional 314 acres of now-private lands that were used historically in mine operations.

It is important to note that the government will receive a release of liability for cleanup of both the Federal and private lands. Under the legislation, before the Federal lands are conveyed, the State must enter into a binding consent agreement under which the cleanup of the entire project site will occur. The consent agreement must include financial assurances to ensure the completion of the remediation and reclamation of the site. The cleanup will be financed with private capital and Nevada tax increment financing at no cost to the Federal Government.

The Three Kids Mine Remediation and Reclamation Act is the result of over 4 years of work among the city of Henderson Redevelopment Agency, the Department of the Interior, the State of Nevada, and private entities. This legislation is a unique and complex public-private partnership proposal. It will finally lead to the cleanup of the Three Kids mine site at no cost to the Federal Government, while at the same time providing for economic development and the creation of as many as 3,000 jobs.

I believe that this initiative offers a viable solution for the cleanup and reclamation of the Three Kids mine and could serve as a model for other similar sites across the country.

This legislation is a win for the economy, it is a win for the environment, and it is a win for the Federal taxpayer. I encourage my colleagues to join me in supporting this legislation.

Mr. GRIJALVA. Mr. Speaker, as I indicated, while the precedent of waiving the liability of the United States for the cleanup and reclamation of the site is of concern, of equal concern is the fact that Henderson has grown into the site, and grown closer and closer. BLM has stated they don't have the resources to provide the money to clean the site adequately, so it just sits there.

This developer, and if the consent decree is binding, as has been indicated by the sponsor, is an opportunity. While it is not a perfect opportunity from my perspective, it is indeed an opportunity to deal with that cleanup and not just have the site sit there in perpetuity without any attention as everything else grows around it.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2512, 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.

**LAKE THUNDERBIRD EFFICIENT  
USE ACT OF 2011**

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3263) to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3263

*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 “Lake Thunderbird Efficient Use Act of 2011”.

**SEC. 2. NORMAN PROJECT, OKLAHOMA.**

Public Law 86-529 (74 Stat. 225) is amended by adding at the end the following:

**“SEC. 10. LAKE THUNDERBIRD.**

“(a) IN GENERAL.—If the Secretary of the Interior determines that there is enough excess capacity in the reservoir on the Little River known as ‘Lake Thunderbird’ that nonproject water can be stored in Lake Thunderbird, the Secretary of the Interior may, in accordance with the reclamation laws, amend an existing contract, or enter into 1 or more new contracts, with the Central Oklahoma Master Conservancy District for the storage and conveyance of nonproject water in Norman project facilities to augment municipal and industrial supplies for the cities served by the Central Oklahoma Master Conservancy District.

“(b) COSTS.—If any additional infrastructure is needed to enable the storage and conveyance of non-project water in Norman project facilities under subsection (a) or any other provision of this Act, the costs of constructing, operating, and maintaining the infrastructure shall be the responsibility of the non-Federal entity contracting with the Secretary of the Interior for storage and conveyance rights.”.

**SEC. 3. EFFECT.**

Nothing in this Act or an amendment made by this Act authorizes any expansion of the storage capacity of Lake Thunderbird.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3263, introduced by our colleague from Oklahoma (Mr. COLE), allows the Central Oklahoma Master Conservancy District to store water purchased from Oklahoma City in Lake Thunderbird. This legislation is necessary since Federal regulations do not allow water transfers from out-of-basin areas unless Congress expressly authorizes such a transfer.

This bill specifically states that any cost associated with its enactment will be borne by the project beneficiary. It is a no-nonsense bill that will provide additional water storage during times of drought. I thank Congressman COLE for sponsoring this commonsense bill, and I urge adoption of the measure.

I reserve the balance of my time.

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

As my colleague stated, H.R. 3263 authorizes storage of nonproject water in Lake Thunderbird Reservoir. The ability to store water at Lake Thunderbird Reservoir will provide reclamation and the managers with flexibility in managing the system.

The administration supports H.R. 3263, and we have heard from the tribes around the region who do not object to this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I’m pleased to yield such time as he may consume to the sponsor of this legislation, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I thank the gentleman for yielding, and I thank Chairman HASTINGS and Ranking Member MARKEY for their help in moving this legislation and also the staff of the Natural Resources Committee who have been very supportive and helpful.

I rise today in support of my legislation, H.R. 3263, the Lake Thunderbird Efficient Use Act of 2011. Lake Thunderbird is a Bureau of Reclamation project which provides municipal water to Norman, Del City, and Midwest City, all major municipalities in the Oklahoma City metropolitan area.

In recent years, the watershed that feeds Lake Thunderbird has not been able to keep that lake full. The water that remains is of poor quality and ill-suited for drinking water and recreation. Lake Thunderbird was built to provide water to a water-starved region, and this legislation would help the Bureau of Reclamation meet the original goals of this project.

The bill allows the Central Oklahoma Master Conservancy District to acquire and store water from outside of the Bureau of Reclamation system in Lake Thunderbird. Any cost associated with this action would be paid for by the conservancy district. This legislation costs Federal taxpayers nothing.

□ 1730

Frankly, Mr. Speaker, in my view, this is the type of action that we should be able to take administratively; however, under current law, it requires congressional consent.

Mr. Speaker, I first initiated this legislation in the 110th Congress when central Oklahoma was in the midst of a significant drought. In July of 2011, Oklahoma recorded the driest month ever recorded by any of the 50 States since records have been kept. Central Oklahoma remains in a drought that is forecast to continue and worsen this summer.

H.R. 3263 is important to the economic growth of central Oklahoma. The Oklahoma City metropolitan area has seen tremendous growth over the past decade and has been a positive economic force at a time of great challenges to the national economy. Water must be available to support the continued growth of this region. This straightforward and commonsense legislation is an important tool to support further growth in central Oklahoma.

Mr. Speaker, again, I want to thank the chairman and the ranking member for their cooperation, and I urge my colleagues to vote “yes” on this legislation.

Mr. GRIJALVA. Mr. Speaker, if I might inquire of the chairman if he has any additional speakers.

Mr. HASTINGS of Washington. I have one more speaker.

Mr. GRIJALVA. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to another Member from Oklahoma, the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I would like to, as well, thank my colleague, TOM COLE, for his work on this. He is the one who has really sponsored this, has focused on it, has driven it through to completion. It is a very important thing for communities that are both in his district and in my district as well.

H.R. 3263 authorizes the Secretary of the Interior to simply amend an existing contract with the Central Oklahoma Master Conservancy District for the storage of nonproject water in Lake Thunderbird. It’s very simple and straightforward. This bill would allow the district to augment water if the Secretary determines that there is enough excess capacity in the reservoir.

Since the summer of 2010, Oklahoma has been in a severe drought. This has seriously endangered the quality and supply of our drinking water. To address this devastating shortage, the Central Oklahoma Master Conservancy District could purchase water from Oklahoma City to supply high-quality water through the Atoka pipeline to Midwest City, Del City, and Norman. Regrettably, Congress must act before this resource can be tapped. It is imperative that we remedy the storage issues faced by these cities, and Congress shouldn’t stand in the way of this.

It is amazing that it takes an act of Congress for an Oklahoma lake to buy water from another Oklahoma lake. No

Federal funds are needed, only Congress giving the permission to allow Oklahomans the flexibility to use their own water as needed. I am strongly in support of this. This is the type of thing that should be widely bipartisan. It is a simple fix, and hopefully we can fix this legislatively in the future to not have to have an act of Congress just for us to use our own water in each State.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 3263.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### AUTHORIZATION OF CONVEYANCE OF CERTAIN LANDS IN LOS PADRES NATIONAL FOREST

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 241) to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 241

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

#### SECTION 1. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term “Federal land” means the approximately 5 acres of National Forest System land in Santa Barbara County, California, as generally depicted on the map.

(2) **FOUNDATION.**—The term “Foundation” means the White Lotus Foundation, a nonprofit foundation located in Santa Barbara, California.

(3) **MAP.**—The term “map” means the map entitled “San Marcos Pass Encroachment for Consideration of Legislative Remedy” and dated June 1, 2009.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

#### SEC. 2. LAND CONVEYANCE.

(a) **IN GENERAL.**—Subject to the provisions of this section, if the Foundation offers to convey to the Secretary all right, title, and interest of the Foundation in and to a parcel of non-Federal land that is acceptable to the Secretary—

(1) the Secretary shall accept the offer; and

(2) on receipt of acceptable title to the non-Federal land, the Secretary shall convey to the Foundation all right, title, and interest of the United States in and to the Federal land.

(b) **APPLICABLE LAW.**—The land exchange authorized under subsection (a) shall be subject to section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(c) **TIME FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchange under subsection (a) shall be completed not later than 2 years after the date of enactment of this Act.

(d) **AUTHORITY OF SECRETARY TO CONDUCT SALE OF FEDERAL LAND.**—If the land exchange under subsection (a) is not completed by the date that is 2 years after the date of enactment of this Act, the Secretary may offer to sell to the Foundation the Federal land for fair market value.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The land exchange under subsection (a) and any sale under subsection (d) shall be subject to—

(1) valid existing rights;

(2) the Secretary finding that the public interest would be well served by making the exchange or sale;

(3) any terms and conditions that the Secretary may require; and

(4) the Foundation paying the reasonable costs of any surveys, appraisals, and any other administrative costs associated with the land exchange or sale.

(f) **APPRAISALS.**—

(1) **IN GENERAL.**—The land conveyed under subsection (a) or (d) shall be appraised by an independent appraiser selected by the Secretary.

(2) **REQUIREMENTS.**—An appraisal under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(g) **MANAGEMENT AND STATUS OF ACQUIRED LAND.**—Any non-Federal land acquired by the Secretary under this Act shall be managed by the Secretary in accordance with—

(1) the Act of March 1, 1911 (commonly known as the “Weeks Law”) (16 U.S.C. 480 et seq.); and

(2) any laws (including regulations) applicable to the National Forest System.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 241 authorizes the Forest Service to convey, for appraised market value, approximately 5 acres of the Los Padres National Forest to the White Lotus Foundation.

Due to steep topography, there is limited access to the White Lotus Foundation other than a short access road that crosses Forest Service land. This bill would allow the foundation to acquire this parcel and ensure public access to their facility.

So I urge my colleagues to support this legislation, as authored by our colleague from California (Mr. GALLEGLY), and I reserve the balance of my time.

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

Mr. Speaker, H.R. 241, sponsored by the gentleman from California, provides for the conveyance of 5 acres of

land from Los Padres National Forest to the White Lotus Foundation. This conveyance allows for better access to a retreat area owned by the foundation.

We have no objections to this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield such time as he may consume to the author of this legislation, the gentleman from California (Mr. GALLEGLY).

Mr. GALLEGLY. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of my legislation, H.R. 241. This bill will authorize the Forest Service to convey a small parcel of land on the perimeter of the Los Padres National Forest to a nonprofit organization, the White Lotus Foundation.

In 1983, the White Lotus Foundation inherited property in the hills above Santa Barbara, California, on the border of the Los Padres National Forest. After operating at this location for over 25 years, the Forest Service sent a letter to the foundation notifying them of a 1/20-of-an-acre encroachment on Forest Service land.

The encroachment in question is located on a loop of the only road that allows White Lotus and the rest of the public access to and from the White Lotus property. Due to the steep topography, the foundation no longer has any other reasonable alternatives.

The loop lies on flat ground which holds equipment storage for fire and flood emergencies and provides access to a water pump and other necessary equipment. There is no other flat ground on which to move these items, and without this space, the foundation will be forced to cease operations.

My legislation authorizes the Forest Service to enter into a land exchange with the White Lotus Foundation for land worth no less than the appraised market value. If this land exchange does not occur within 2 years, the Forest Service is allowed to convey the land that would benefit White Lotus and to determine the amount to be conveyed. If the Forest Service does not feel that this land conveyance is in its best interest, it does not have to sell any Federal land to White Lotus. However, if the land sale does move ahead, my legislation will not cost the taxpayers a single penny. White Lotus will pay for the land, the survey, and all administrative costs and related costs.

There are no exemptions from NEPA or any other environmental laws. The land in question is not protected wilderness or any other specifically designated area.

In closing, I want to thank the chairman, the ranking member, and my colleagues for allowing this to be brought to the floor today.

I urge the support for my legislation, H.R. 241.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.



Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time and urge adoption of the measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 241, 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.

#### SALMON LAKE LAND SELECTION RESOLUTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 292) to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 292

*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 "Salmon Lake Land Selection Resolution Act".

#### SEC. 2. PURPOSE.

The purpose of this Act is to ratify the Salmon Lake Area Land Ownership Consolidation Agreement entered into by the United States, the State of Alaska, and the Bering Straits Native Corporation.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the document between the United States, the State, and the Bering Straits Native Corporation that—

(A) is entitled the "Salmon Lake Area Land Ownership Consolidation Agreement";

(B) had an initial effective date of July 18, 2007; and

(C) is on file with Department of the Interior, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives.

(2) BERING STRAITS NATIVE CORPORATION.—The term "Bering Straits Native Corporation" means an Alaskan Native Regional Corporation formed under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) for the Bering Straits region of the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Alaska.

#### SEC. 4. RATIFICATION AND IMPLEMENTATION OF AGREEMENT.

(a) IN GENERAL.—Subject to the provisions of this Act, Congress ratifies the Agreement.

(b) EASEMENTS.—The conveyance of land to the Bering Straits Native Corporation, as specified in the Agreement, shall include the reservation of the easements that—

(1) are identified in Appendix E to the Agreement; and

(2) were developed by the parties to the Agreement in accordance with section 17(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(b)).

(c) CORRECTIONS.—Beginning on the date of enactment of this Act, the Secretary, with the consent of the other parties to the Agreement, may only make typographical or clerical corrections to the Agreement and any exhibits to the Agreement.

(d) AUTHORIZATION.—The Secretary shall carry out all actions required by the Agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 292 ratifies the Salmon Lake Area Ownership and Consolidation Agreement signed in 2007 by the State of Alaska, the United States, and the Bering Straits Native Corporation.

□ 1740

The agreement resolves overlapping claims to certain public lands by the State of Alaska, the United States, and the Bering Straits Native Corporation. The claims arose from the implementation of the Alaska Statehood Act of 1958 and the Alaska Native Claims Settlement Act of 1971.

Though similar legislation sponsored by the gentleman from Alaska, and the sponsor in the House of this bill, Mr. YOUNG, passed by 410-0 in the 111th Congress, the Committee on Natural Resources undertook regular order on S. 292, including a hearing in the Subcommittee on Indian and Alaska Native Affairs, and a markup in the full committee, which reported the bill out favorably.

I am unaware of any opposition to S. 292, and so I urge full House support for the motion to suspend the rules and pass this bill today.

With that, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 292, a bill that ratifies an agreement between the United States, the Bering Straits Native Corporation and the State of Alaska by transferring certain Federal lands to the Bering Straits Native Corporation and the State of Alaska.

S. 292 is the result of years of negotiations between the parties regarding

overlapping land selections made by the Bering Straits Native Corporation under the Alaska Native Claims Settlement Act and the State of Alaska under its Statehood Act.

The bill reasonably and sensibly finalizes each party's interests in the land around Salmon Lake, an area of great importance to the people of the Bering Straits region.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield as much time as he may consume to the author of the legislation that the last Congress passed, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, it's been said this is a simple bill. In a way it is simple, but it solves a great problem.

As mentioned by the chairman and the ranking member, this bill probably wouldn't necessarily be passed if it wasn't because of the conflict we had between the State when we passed statehood, the Native Land Claims Act and, of course, the BLM. There is no one that objects to this bill. It solves a very important problem for the local people and the subsistence-style living. It also takes care of the recreational areas that they can be utilizing. And it's the right bill to do for the State of Alaska and Alaska natives.

Mr. Speaker, I'd like to speak on another subject for a short moment which I believe relates to this. For the people listening to this great display of legislative action on the House floor, we'd like to remind them, you know, Little Red Riding Hood, do not go to sleep.

Just because the prices of gas have been dropping at the pumps, do not be lured into the idea that everything's going to be okay, because I've watched this now in my 40 years here go up and down, up and down; and every time we start to do something, start moving forward for self-dependency on our fossil fuels, those that are providing us the fuel from overseas at cost of great bloodshed and a flood of dollars, they take and drop their prices. When doing so, we start getting lulled back to sleep, and we don't do anything. And then they'll jack the prices up again, and the whole economy will not recover.

So I'm asking the public to understand one thing: do not go to sleep. Just because you go up to the pump station now and put that nozzle in and say, oh, my, gas is only \$3.60 when it was \$4.15, headed to \$5. Watch it very closely, ladies and gentlemen. Watch this, everybody on the floor of this House, because you are going to sleep.

Oh, everything's fine and dandy. We do not have to worry about this anymore. Our good friends in the Middle East will take care of us. Yes, the good friend in Venezuela, Hugo Chavez.

Think about this a moment, ladies and gentlemen. We're just where we were back in 1972 when we passed the

Trans Alaska pipeline. We had an embargo. People were lined up to buy the gasoline; lined up and actually shooting at one another because it was, at that time, 36 cents a gallon. And we built the Trans Alaska pipeline, and we lowered that price very rapidly.

As it went down, and the economy came back and people weren't shooting at anyone anymore, they were doing, in fact, one thing that we need to do today. That is the reality that we must start producing our own fossil fuels. Yes, fossil fuels, not wind power, not solar power. Yes, they're good. But fossil fuels that move objects.

Everybody listening to this show today, keep in mind every time you get in that car you're moving weight. Every truck that delivers a product to the grocery store and to anyplace you buy is moved by fossil fuels, not just made by fossil fuels, moved by fossil fuels, the trains, the planes, the ships, and, yes, the automobile.

We will spend this year close to \$300 billion buying fossil fuels from people that do not like us, do not even tolerate us most of the time, would like to kill us every time.

And why this Congress and why the administration, yes, the previous administrations—no one's innocent in this project—will not set forth an energy policy that doesn't involve just wind power and sun power, but involves all the powers that we have to produce energy for the people of America. The coal, yes, we're going to burn cheap coal. It can be burned and should be burned. But most of all, the oil which we're still importing from abroad. That's what we have to do.

So I ask you, don't go to sleep, ladies and gentlemen, because the persons that raise the price of oil are there, and they will do it again. And this Congress will say, oh, we've got to do something. We'll have to do something. And by the time that prices go so high that it affects our economy, it will start going back down when we try to do something.

I'm saying that the leadership on this side of the aisle, we have an energy package. It's been sent over to the other body. I know I'm not supposed to mention that other body. In fact, I'm not. It's the other body. And it has not passed any energy legislation. We've done it on the House side numerous times, not just this year and last year, even some of the years before. We have passed energy legislation.

But it's time for this Congress, a reflection of the American people, to rise up and say we are going to do something so those people that have been hurting us all these years—\$4 trillion worth of oil has been spent in the last 14 years overseas. Trillion, ladies and gentlemen. That was equal to the national debt.

But take \$4 trillion off the existing debt, see where we would be today. We wouldn't have the unemployment rate. The President wouldn't have to say, well, it's getting a little better. The

economy is better than it was, they say. But it all relates back to the cheap energy, energy that could be afforded by the working class people of America, the working class people of America, not the rich that can afford it, the working class that provide the economy to this machine that we have called a democracy.

So I'm asking the American public and this body to wake up. Wake up and let's do what's right. Wake up the other body and do what is right for the future of this Nation.

Mr. GRIJALVA. Mr. Speaker, I know that the gentleman from Alaska will be pleased to know that the production of fossil fuels from our public lands is at a record high, and the percentage of our oil from imports is dropping every year.

The bill before us today resolves competing land claims. We support that.

I yield back the balance of my time, Mr. Speaker.

Mr. HASTINGS of Washington. I urge adoption of this legislation and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 292.

The question was taken.

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

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

#### EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 363) to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 363

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

#### SECTION 1. EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of Commerce determines that it is in the best interest of the National Oceanic and Atmospheric Administration and the Federal Government to do so, the Secretary may convey

to the City of Pascagoula, Mississippi, by standard quitclaim deed, real property consisting of parcels, or portions of parcels, under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere, including land and improvements thereon, within a tract roughly bounded by—

- (1) Delmas Avenue to the south;
- (2) Pascagoula River to the west;
- (3) Pol Street to the north; and

(4) real property owned by the City of Pascagoula to the east.

(b) CONSIDERATION.—

(1) IN GENERAL.—For a conveyance under subsection (a), the Secretary shall require that the United States receive consideration of not less than the fair market value of the property or rights conveyed.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) property (either real or personal), including tracts of real property and buildings, owned by the City of Pascagoula, that are located in such city south of Delmas Avenue, as well as a contiguous portion of the street known as Delmas Avenue adjacent to real property under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere;

(B) cash or cash equivalents; and

(C) consideration in-kind, including—

- (i) provision of space, goods, or services of benefit, including construction, repair, remodeling, or other physical improvements;
- (ii) maintenance of property;
- (iii) provision of office, storage, or other useable space; or
- (iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based on a highest- and best-use appraisal of the properties conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Any amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The Secretary may require such additional terms and conditions with the exchange of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

(2) EASEMENTS OR RIGHTS OF WAY.—The Secretary may grant or convey to the City of Pascagoula a right of way or easement if the Secretary determines such grant or conveyance is in the best interest of the Administration and the Federal Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 363, introduced by Senator WICKER from Mississippi, would authorize the Secretary of Commerce to convey less than 1 acre of property owned by the National Oceanic and Atmospheric Association to the City of Pascagoula, Mississippi.

□ 1750

This would improve the operations of the NOAA science center and give the city river access and space for a park.

The bill specifies that a land conveyance could occur provided that the United States receives at least the fair market value for the property or in-kind exchange. The city and the agency have identified properties to exchange, and therefore, both parties are in agreement. S. 363 would simply allow them to go forward with this land exchange, so I urge its adoption.

I reserve the balance of my time.

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

Many years ago, the National Oceanic and Atmospheric Administration fenced off two small parcels of land plus a portion of a street outside of their Pascagoula, Mississippi, facility for security purposes. Recently, NOAA has been using this property for storage and parking. NOAA would like to secure this land, which is now back under the ownership of the City of Pascagoula, to accommodate the storage and future expansion of their facility.

In exchange for these two parcels of land, NOAA proposes to transfer real estate to the City of Pascagoula to develop waterfront property for the purposes of creating a public green space as part of the overall redevelopment plan in the wake of Hurricane Katrina. NOAA and the city have both identified the parcels of land to be considered for this transaction, and NOAA is prepared to contract for the land surveys and appraisals necessary to prepare the acquisition and disposal documents. They have both expressed written support for this land exchange.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 363.

The question was taken.

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

Mr. HASTINGS of Washington. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

#### DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1740) to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1740

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

#### SECTION 1. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.

*Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:*

*“( ) ILLABOT CREEK, WASHINGTON.—*

*“(A) The 14.3-mile segment from the headwaters of Illabot Creek to the northern terminus as generally depicted on the map titled ‘Illabot Creek Proposed WSR—Northern Terminus’, dated September 15, 2009, to be administered by the Secretary of Agriculture as follows:*

*“(i) The 4.3-mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.*

*“(ii) The 10-mile segment from the boundary of Glacier Peak Wilderness to the northern terminus as generally depicted on the map titled ‘Illabot Creek Proposed WSR—Northern Terminus’, dated September 15, 2009, as a recreational river.*

*“(B) Action required to be taken under subsection (d)(1) for the river segments designated under this paragraph shall be completed through revision of the Skagit Wild and Scenic River comprehensive management plan.*

*“(C) The Secretary of Agriculture may not acquire by condemnation any land or interest in land within the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A).*

*“(D) Nothing in this paragraph creates or authorizes the creation of a protective perimeter or buffer zone around the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A). The fact that an activity or use can be seen or heard from within such boundaries shall not preclude the conduct of that activity or use outside such boundaries.*

*“(E) No private property or non-Federal public property shall be included within the boundaries of the Illabot Creek Wild and Scenic River described in subparagraph (A) without the written consent of the owner of such property.”.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1740 will designate segments of the Illabot Creek in Skagit, Washington, as a component of the National Wild and Scenic Rivers System. The designated area is located within the Mt. Baker-Snoqualmie National Forest, and it totals 14.3 miles in two separate segments. The U.S. Forest Service studied this creek and found that it possesses the requisite characteristics consistent with the Wild and Scenic Rivers Act.

Mr. Speaker, as I mentioned, this bill was amended with some provisions that the subcommittee and the full committee thought were very important on these designations, but I urge its passage.

I reserve the balance of my time.

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

I rise in support of H.R. 1740. This legislation seeks to add these river segments to the Wild and Scenic Rivers System. The legislation passed the House by voice vote last year. Congressman LARSEN has been a consistent advocate for this legislation. On behalf of the river and his constituents, we applaud his hard work.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. GRIJALVA. I would like to yield such time as he may consume to the sponsor of the legislation, the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise to support the passage of my bill, H.R. 1740, and to urge my colleagues to vote in favor of this measure.

I want to thank Chairman HASTINGS and Chairman BISHOP of the subcommittee, as well as Ranking Members MARKEY and GRIJALVA, for their help in getting this bill to the floor.

I have the honor of representing one of the most scenic parts of the country, Washington's Second District. The Second District is home to the North Cascades and to the beautiful San Juan Islands. It's also home to some of the best fishing in the country, both commercially and recreationally. Salmon and groundfish stocks are beginning to recover all over the Northwest. Part of the reason is that we've begun to protect places that are important for fish habitat. When we protect these places, we protect the jobs that come from the fishing industry. This preservation is a catalyst to introducing the legislation before us.

Illabot Creek travels from the Glacier Park Wilderness Area to the upper Skagit River, falling about 7,000 feet during its journey. The water of Illabot provides the optimal conditions for wild Chinook salmon, steelhead, and bull trout—all species listed as threatened. This legislation will designate 14.3 miles of the Illabot Creek as wild

and scenic, protecting these species while ensuring that hunting and fishing and other recreational activities continue. Protecting this area has the support of local hunters, farmers, environmentalists, anglers, the local government, and the State government, which are all in my district.

I want to thank Senator MURRAY for introducing the bill's companion over in the Senate. I hope that that body will take up the bill as well.

I appreciate the support of Minority Whip HOYER, of the chairmen, and of the ranking members for bringing this legislation to the floor, and I urge my colleagues to support its passage and to protect this important body of water.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no further requests for time.

Mr. GRIJALVA. I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge the passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1740, 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.

#### YORK RIVER WILD AND SCENIC RIVER STUDY ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2336

*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 "York River Wild and Scenic River Study Act of 2011".*

#### SEC. 2. DESIGNATION FOR STUDY.

*Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end the following:*

*"( ) YORK RIVER, MAINE.—(A) The York River that flows 11.25 miles from its headwaters at York Pond to the mouth of the river at York Harbor, and all associated tributaries.*

*"(B) The study conducted under this paragraph shall—*

*"(i) determine the effect of the designation on—*

*"(I) existing commercial and recreational activities, such as hunting, fishing, trapping, recreational shooting, motor boat use, bridge construction;*

*"(II) the authorization, construction, operation, maintenance, or improvement of energy production and transmission infrastructure; and*

*"(III) the authority of State and local governments to manage those activities; and*

*"(ii) identify—*

*"(I) all authorities that will authorize or require the Secretary to influence local land use decisions (such as zoning) or place restrictions on non-Federal land if designated under this Act;*

*"(II) all authorities that the Secretary may use to condemn property; and*

*"(III) all private property located in the area studied under this paragraph.".*

#### SEC. 3. STUDY AND REPORT.

*Section 5(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(b)) is amended by adding at the end the following:*

*"( ) YORK RIVER, MAINE.—The study of the York River, Maine, named in paragraph ( ) of subsection (a) shall be completed by the Secretary of the Interior and the report thereon submitted to Congress not later than 3 years after the date on which funds are made available to carry out this paragraph.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2336 authorizes the National Park Service to study 11.25 miles of the York River, in the State of Maine, for the possible inclusion into the Wild and Scenic Rivers program.

The Wild and Scenic Rivers Act of 1968 was intended to put a development freeze on rivers to preserve their "free-flowing" characteristics. Although no risks to the river necessitating Federal designation were identified, proponents of the study explained that they would benefit from the expertise of the National Park Service and its interaction with the community.

As I mentioned, Mr. Speaker, this legislation was amended. The subcommittee felt that there should be some conditions even though this is only a study, and those conditions were inserted into this bill. I urge its adoption.

I reserve the balance of my time.

Mr. GRIJALVA. I yield myself such time as I may consume.

I rise in support of the legislation, and I commend Congresswoman PINGREE for her hard work.

H.R. 2336 moves forward a study of 11 miles of the York River to determine if it is qualified to be protected as a Wild and Scenic River. This is a good piece of legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I continue to reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as she may consume to the sponsor of the legislation, the gentlelady from Maine (Ms. PINGREE).

□ 1800

Ms. PINGREE of Maine. Mr. Speaker, I thank both Mr. GRIJALVA and Mr. HASTINGS for their support.

I'm very happy to stand in support of my bill, H.R. 2336, the York River Wild and Scenic River Study Act. It is my pleasure to see this piece of legislation, which was proposed by the people living in my district, who care deeply about the York River, come to the floor of the House today. This bill would allow organizations working around the York River to partner with the National Park Service to conduct a study that would provide additional information that is vital to making informed decisions about the future of the York River and its communities.

I have heard from small business owners, community groups, State and local government representatives, local and national land trusts, fishermen, hunters, school representatives, and historical and environmental conservationists; and all agree that continuing to benefit from the river depends on recognizing and protecting its important and unique qualities.

When I last visited the York River, I spoke with members of local communities about the importance of the river to the people, the economy, and the wildlife of the York River watershed. I learned that the river is home to important and rare species, including the Maine-endangered box turtle and the threatened harlequin duck. The salt marshes of York River watershed serve as a nursery ground for nearly 30 species of fish that are vital to the Gulf of Maine ecosystem.

I also learned that the York River is a key waterway to the history of our Nation. The first English settlers arrived there in 1630, and European settlements of archeological importance have been identified along the banks of the river. The York River is a place where children are learning in an outdoor classroom, as well. Students from nearby school districts gather data from the river for class and to inform community decisions about the environment and the economy. Perhaps the most important factor is that many of the hardworking people in this part of the State depend on the York River to support their jobs. The York River is a place where people go to work.

Commercial and recreational fishing operations depend on excellent water quality and reliable access to the waterfront. Farmers in the York River watershed grow pumpkin, potatoes, and other produce that help keep Maine communities healthy. People travel to the York River to explore and appreciate its natural character and incredible history. And while doing so, they invest in the surrounding communities.

The work of community groups has already resulted in considerable

progress, but the York River needs additional protection so this vital resource is not overwhelmed by increasing development. In order to move forward to a future that protects the most important aspects of this waterway and the jobs and communities that depend on it, it is vital to connect these communities with the information they need. This is the goal and, hopefully, the outcome of this important piece of legislation.

I urge my colleagues to join me in supporting this bill today.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no more requests for time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 2336, 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.

#### PASCUA YAQUI TRIBE TRUST LAND ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4222) to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4222

*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 "Pascua Yaqui Tribe Trust Land Act".*

#### SEC. 2. DEFINITIONS.

*For the purposes of this Act, the following definitions apply:*

(1) *DISTRICT.*—The term "District" means the Tucson Unified School District, a school district recognized as such under the laws of the State of Arizona.

(2) *MAP.*—The term "map" means the map titled "Pascua Yaqui Tribe Trust Land Act" and dated April 23, 2012.

(3) *SECRETARY.*—The term "Secretary" means the Secretary of the Interior.

(4) *TRIBE.*—The term "Tribe" means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian tribe.

#### SEC. 3. LANDS TO BE HELD IN TRUST.

(a) *PARCEL A.*—Subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands of approximately 10 acres shown on the map as Parcel A are declared held in trust by the United States for the benefit of the Tribe.

(b) *PARCEL B.*—Immediately upon the Secretary's receipt from the District of the aban-

*donment of its possessory interest of the lands of approximately 10 acres shown on the map as Parcel B, subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands shown on the map as Parcel B are declared held in trust by the United States for the benefit of the Tribe.*

#### SEC. 4. GAMING PROHIBITION.

*The Tribe may not conduct gaming activities on the lands held in trust under this Act, as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

#### GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4222, authored by the gentleman from Arizona (Mr. GRIJALVA), directs the Secretary of the Interior to take two approximately 10-acre parcels of Federal land into trust for the Pascua Yaqui tribe in Arizona. The two parcels are completely surrounded by either the tribe's reservation or by fee lands owned by the tribe.

Before one of the parcels can be taken into trust, however, the Tucson Unified School District will need to relinquish its possessory interest in the parcel. The school district no longer needs the land, which it had previously received under the Recreation and Public Purposes Act. Both parcels would be utilized as part of a golf course as currently under construction. Neither parcel is necessary for the construction of the golf course, but if the tribe does not acquire and use the parcels, they will be orphaned and of relatively no use to either the tribe or to the United States.

Finally, as has been the practice of the committee during the last several Congresses, this bill includes language that prohibits any gaming on the two parcels to be taken into trust, and the tribe has no objection to this language.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume. Let me thank the chairman for moving the legislation forward. I'm very appreciative.

H.R. 4222 is an important piece of legislation that will enable the Pascua Yaqui tribe of my district in Arizona to consolidate its landholdings and re-

move two isolated undeveloped parcels of land from the Bureau of Land Management responsibility.

The two 10-acre parcels are islands of trapped Federal land surrounded by Pascua Yaqui land on all sides. The tribe is developing a golf course in this area, and conveying these two parcels to the tribe will make managing the land easier for the tribe and the Federal Government. Without this legislation, the tribe would have to design around the parcels, slowing down the project, and weakening economic development that will benefit the entire Pascua Yaqui community and the residents of Pima County. Passage of this bill will further the Federal Government's responsibility to enhance tribal trust resources.

I worked with BLM to ensure that the language of the bill would allow for environmental review and a public comment period in line with the National Environmental Policy Act and am pleased to report that the bill we are taking up today is supported by the Agency. I wish to thank my colleagues and the leadership within the Natural Resources Committee for bringing this bill forward and for hopeful passage in this session.

I urge my colleagues to support the passage of H.R. 4222, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from Arizona that I have no more requests for time on this excellent piece of legislation.

Mr. GRIJALVA. Mr. Speaker, I want to thank the chairman for saving this very complicated and important piece of legislation as the last item that we deal with here today. My appreciation.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 4222, 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.

#### 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 6 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. POE of Texas) at 6 o'clock and 30 minutes p.m.

**CORRECTING TECHNICAL ERROR  
IN PUBLIC LAW 112-122**

Mr. DOLD. Mr. Speaker, I ask unanimous consent that the Committee on Financial Services be discharged from further consideration of the bill (H.R. 5890) to correct a technical error in Public Law 112-122, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 5890

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

**SECTION 1. TECHNICAL CORRECTION.**

Section 24 of Public Law 112-122 is amended by striking “4 of Public Law 109-438” and inserting “1(c) of Public Law 103-428”.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. DOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5890.

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

There was no objection.

**MAKING TECHNICAL CORRECTION  
IN PUBLIC LAW 112-108**

Mr. COLE. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 5883) to make a technical correction in Public Law 112-108, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

H.R. 5883

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

**SECTION 1. TECHNICAL CORRECTION.**

(a) IN GENERAL.—Public Law 112-108 is amended by striking “115 4th” and inserting “208 1st”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of Public Law 112-108.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR AN EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL, COLLECTIVELY, TO THE MONTFORD POINT MARINES**

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of House Concurrent Resolution 128, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 128

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL TO THE MONTFORD POINT MARINES.**

(a) IN GENERAL.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on June 27, 2012, for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

(b) IMPLEMENTATION.—Physical preparations for the conduct of the event shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of my Resolution to allow the Ceremony honoring the Montford Point Marines to receive the Congressional Gold Medal.

As you know, I was honored to have introduced the legislation that granted the Montford Point Marines a Congressional Gold Medal, the highest civilian honor that can be bestowed for an outstanding deed or act of service to the security, prosperity, and national interest of the United States.

I was pleased to work with the General James F. Amos, the Commandant of the Marine Corps, in support of this resolution.

Years before Jackie Robinson, and decades before Rosa Parks and Martin Luther King, Jr., these heroes joined the Marines to defend their country and do their job.

At the end of this month, over 500 Montford Point Marines will descend upon Washington and receive the honor that is due them. I am pleased to be able to make the Capitol available to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on House Concurrent Resolution 128.

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

There was no objection.

**NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFERRERS ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II**

Mr. FLAKE. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348.

The form of the motion is as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provision contained in the matter proposed to be inserted as section 104(c)(1)(B) of title 23, United States Code, by section 1105 of the Senate amendment that reads as follows: “for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available”.

**ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013**

The SPEAKER pro tempore (Mr. KING of Iowa). Pursuant to House Resolution 667 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. 5325.

Will the gentleman from Texas (Mr. POE) kindly resume the chair.

□ 1834

**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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. POE of Texas (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 the amendment offered by the gentleman from New York (Mr. REED) had been postponed and the bill had been read through page 56, line 24.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. MCCLINTOCK of California.

An amendment by Ms. HIRONO of Hawaii.

Amendment No. 5 by Mr. MCCLINTOCK of California.

An amendment by Mr. MATHESON of Utah.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded



vote on the amendment offered by the gentleman from California (Mr. McCLINTOCK) 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 106, noes 281, not voting 44, as follows:

[Roll No. 315]

AYES—106

Adams	Garrett	Pompeo
Amash	Gohmert	Posey
Amodei	Gosar	Price (GA)
Bachmann	Graves (GA)	Quayle
Benishek	Gutierrez	Ribble
Berkley	Harris	Rigell
Bilirakis	Heck	Rohrabacher
Bishop (UT)	Hensarling	Rokita
Black	Herger	Ross (FL)
Blackburn	Herrera Beutler	Royce
Boustany	Huelskamp	Rush
Brady (TX)	Huizenga (MI)	Ryan (WI)
Brooks	Hultgren	Scalise
Buchanan	Jenkins	Schakowsky
Burgess	Jones	Schweikert
Burton (IN)	Jordan	Scott, Austin
Campbell	Kucinich	Scott, Brenner
Canseco	Labrador	Serrano
Carson (IN)	Lamborn	Sessions
Chabot	Lance	Smith (NJ)
Chaffetz	Landry	Southerland
Coble	Long	Stearns
Cohen	Lummis	Stutzman
Conaway	Marchant	Sullivan
Conyers	Markey	Tierney
Culberson	McClintock	Tipton
Doggett	McGovern	Velázquez
Duffy	McHenry	Walden
Duncan (TN)	Miller (FL)	Walsh (IL)
Ellmers	Miller (MI)	Walsh (IL)
Farenthold	Mulvaney	Nadler
Flake	Nadler	Neugebauer
Fleming	Neugebauer	Pence
Foxx	Pence	Petri
Franks (AZ)	Petri	Poe (TX)
Gardner	Poe (TX)	

NOES—281

Ackerman	Carnahan	Dold
Aderholt	Carney	Doyle
Akin	Carter	Dreier
Alexander	Cassidy	Duncan (SC)
Altmire	Castor (FL)	Edwards
Andrews	Chandler	Ellison
Austria	Cicilline	Emerson
Bachus	Clarke (MI)	Engel
Baldwin	Clarke (NY)	Eshoo
Barletta	Clay	Farr
Barrow	Clyburn	Fattah
Bartlett	Coffman (CO)	Fincher
Barton (TX)	Cole	Fitzpatrick
Bass (NH)	Connolly (VA)	Fleischmann
Berg	Cooper	Flores
Biggert	Costa	Forbes
Bilbray	Costello	Fortenberry
Bishop (GA)	Courtney	Frank (MA)
Bishop (NY)	Cravaack	Frelinghuysen
Blumenauer	Crawford	Fudge
Bonamici	Crenshaw	Galleghy
Bonner	Critz	Gerlach
Bono Mack	Crowley	Gibbs
Boren	Cuellar	Gibson
Boswell	Cummings	Gingrey (GA)
Brady (PA)	Davis (CA)	Gonzalez
Bralei (IA)	Davis (IL)	Goodlatte
Brown (FL)	Davis (KY)	Gowdy
Bucshon	DeFazio	Graves (MO)
Butterfield	DeGette	Green, Al
Calvert	DeLauro	Green, Gene
Camp	Dent	Griffin (AR)
Cantor	DesJarlais	Griffith (VA)
Capito	Deutch	Grijalva
Capps	Dicks	Grimm
Capuano	Dingell	Guinta
Cardoza		Guthrie

Hanabusa	Matheson	Roskam
Harper	Matsui	Ross (AR)
Hartzler	McCarthy (CA)	Roybal-Allard
Hastings (FL)	McCarthy (NY)	Runyan
Hastings (WA)	McCaul	Ruppersberger
Hayworth	McCollum	Ryan (OH)
Higgins	McDermott	Sanchez, Loretta
Himes	McKinley	Sarbanes
Hinchey	McMorris	Schiff
Hinojosa	Rodgers	Schilling
Hirono	McNerney	Schmidt
Hochul	Meehan	Schock
Holden	Meeks	Schrader
Holt	Mica	Schwartz
Honda	Michaud	Scott (SC)
Hoyer	Miller (NC)	Scott (VA)
Hurt	Miller, George	Scott, David
Israel	Moran	Sewell
Issa	Murphy (CT)	Shimkus
Jackson (IL)	Murphy (PA)	Simpson
Jackson Lee	Neal	Smith (NE)
(TX)	Noem	Smith (TX)
Johnson (GA)	Nugent	Smith (WA)
Johnson (IL)	Nunes	Speier
Johnson (OH)	Nunnelee	Stark
Johnson, E. B.	Olson	Stivers
Johnson, Sam	Owens	Sutton
Kaptur	Palazzo	Terry
Keating	Pallone	Thompson (CA)
Kelly	Pastor (AZ)	Thompson (MS)
Kildee	Paulsen	Thompson (PA)
Kind	Pearce	Thornberry
King (IA)	Pelosi	Tiberi
King (NY)	Perlmutter	Tonko
Kingston	Peters	Towns
Kinzinger (IL)	Peterson	Tsongas
Kissell	Pingree (ME)	Turner (NY)
Kline	Pitts	Turner (OH)
Langevin	Platts	Upton
Lankford	Polis	Van Hollen
Larsen (WA)	Price (NC)	Walberg
Latham	Quigley	Walz (MN)
LaTourrette	Rahall	Wasserman
Latta	Rangel	Schultz
Lee (CA)	Reed	Waxman
Levin	Rehberg	Webster
Lewis (GA)	Reichert	Welch
Lipinski	Renacci	Whitfield
LoBiondo	Reyes	Wilson (FL)
Richmond	Richmond	Wilson (SC)
Rivera	Rivera	Wittman
Roby	Roe (TN)	Wolf
Roe (TN)	Rogers (AL)	Womack
Rogers (AL)	Rogers (KY)	Woolsey
Rogers (KY)	Rogers (MI)	Yarmuth
Rogers (MI)	Rooney	Young (AK)
Ros-Lehtinen	Ros-Lehtinen	Young (FL)

NOT VOTING—44

Baca	Hanna	Napolitano
Bass (CA)	Heinrich	Olver
Becerra	Hunter	Pascarell
Berman	Larson (CT)	Paul
Broun (GA)	Lewis (CA)	Richardson
Buerkle	Loeback	Rothman (NJ)
Chu	Mack	Sánchez, Linda
Cleaver	Maloney	T.
Denham	Marino	Sherman
Donnelly (IN)	McCotter	Shuler
Filner	McIntyre	Shuster
Garamendi	McKeon	Sires
Granger	Miller, Gary	Slaughter
Hahn	Moore	Waters
Hall	Myrick	Watt

□ 1900

Messrs. DAVIS of Illinois, McCAR-  
THY of California, DICKS, KINGSTON,  
KEATING, WELCH, and TOWNS  
changed their vote from “aye” to “no.”  
Messrs. RIGELL, HERGER, TIER-  
NEY, and LANDRY changed their vote  
from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall No. 315,  
I was away from the Capitol due to prior com-  
mitments to my constituents. Had I been  
present, I would have voted “no.”

AMENDMENT OFFERED BY MS. HIRONO

The Acting CHAIR. The unfinished  
business is the demand for a recorded

vote on the amendment offered by the  
gentlewoman from Hawaii (Ms. HIRONO)  
on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

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 de-  
vice, and there were—ayes 131, noes 257,  
not voting 43, as follows:

[Roll No. 316]

AYES—131

Ackerman	Gibson	Nadler
Andrews	Grijalva	Neal
Baldwin	Gutierrez	Owens
Bass (NH)	Hanabusa	Pallone
Berkley	Hastings (FL)	Pastor (AZ)
Bishop (NY)	Higgins	Pelosi
Blumenauer	Hinchey	Peters
Bonamici	Hirono	Pingree (ME)
Boswell	Hochul	Polis
Brady (PA)	Holt	Price (NC)
Bralei (IA)	Honda	Quigley
Butterfield	Hoyer	Rangel
Capps	Israel	Reyes
Capuano	Jackson (IL)	Richmond
Carnahan	Johnson (GA)	Roybal-Allard
Carney	Johnson (IL)	Ruppersberger
Castor (FL)	Johnson, E. B.	Rush
Cicilline	Jones	Sanchez, Loretta
Clarke (MI)	Keating	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kind	Schiff
Clyburn	Kind	Schrader
Cohen	Kucinich	Schwartz
Connolly (VA)	Langevin	Scott (VA)
Conyers	Lee (CA)	Scott, David
Cooper	Levin	Serrano
Crowley	Lewis (GA)	Smith (WA)
Cummings	Lipinski	Speier
Davis (CA)	Lofgren, Zoe	Stark
Davis (IL)	Lowey	Thompson (CA)
DeFazio	Luján	Thompson (MS)
DeGette	Lynch	Tierney
Dent	Markey	Tonko
Deutch	Matsui	Towns
Dingell	McCarthy (NY)	Tsongas
Doggett	McCollum	Van Hollen
Edwards	McDermott	Velázquez
Ellison	McGovern	Wasserman
Engel	McNerney	Schultz
Eshoo	Meeks	Waxman
Farr	Michaud	Welch
Fattah	Miller (NC)	Wilson (FL)
Frank (MA)	Miller, George	Woolsey
Fudge	Moran	Yarmuth

NOES—257

Adams	Boustany	Costello
Aderholt	Brady (TX)	Courtney
Akin	Brooks	Cravaack
Alexander	Brown (FL)	Crawford
Altmire	Buchanan	Crenshaw
Amash	Bucshon	Critz
Amodei	Burgess	Cuellar
Austria	Burton (IN)	Culberson
Bachmann	Calvert	Davis (KY)
Bachus	Camp	DeLauro
Barletta	Campbell	DesJarlais
Barrow	Canseco	Diaz-Balart
Bartlett	Cantor	Dicks
Barton (TX)	Capito	Dold
Benishek	Cardoza	Doyle
Berg	Carson (IN)	Dreier
Biggert	Carter	Duffy
Bilbray	Cassidy	Duncan (SC)
Bilirakis	Chabot	Duncan (TN)
Bishop (GA)	Chaffetz	Ellmers
Bishop (UT)	Chandler	Emerson
Black	Coble	Farenthold
Blackburn	Coffman (CO)	Fincher
Bonner	Cole	Fitzpatrick
Bono Mack	Conaway	Flake
Boren	Costa	Fleischmann

Fleming Lankford  
 Flores Larsen (WA)  
 Forbes Latham  
 Fortenberry LaTourette  
 Foxx Latta  
 Franks (AZ) LoBiondo  
 Frelinghuysen Long  
 Gallegly Lucas  
 Gardner Luetkemeyer  
 Garrett Lummis  
 Gerlach Lungren, Daniel  
 Gibbs E.  
 Gingrey (GA) Manzullo  
 Gohmert Marchant  
 Gonzalez Matheson  
 Goodlatte McCarthy (CA)  
 Gosar McCaul  
 Gowdy McClintock  
 Graves (GA) McHenry  
 Graves (MO) McKinley  
 Green, Al McMorris  
 Green, Gene Rodgers  
 Griffin (AR) Meehan  
 Griffith (VA) Griffith (VA)  
 Grimm Miller (FL)  
 Guinta Miller (MI)  
 Guthrie Mulvaney  
 Harper Murphy (CT)  
 Harris Murphy (PA)  
 Hartzler Neugebauer  
 Hastings (WA) Noem  
 Hayworth Nugent  
 Heck Nunes  
 Hensarling Nunnelee  
 Herger Olson  
 Herrera Beutler Palazzo  
 Hinojosa Paulsen  
 Holden Pearce  
 Huelskamp Pence  
 Huizenga (MI) Perlmutter  
 Hultgren Peterson  
 Hurt Petri  
 Issa Pitts  
 Jackson Lee Platts  
 (TX) Poe (TX)  
 Jenkins Pompeo  
 Johnson (OH) Posey  
 Johnson, Sam Price (GA)  
 Jordan Quayle  
 Kaptur Rahall  
 Kelly Reed  
 King (IA) Rehberg  
 King (NY) Reichert  
 Kingston Renacci  
 Kingzinger (IL) Ribble  
 Kissell Rigell  
 Kline Rivera  
 Labrador Roby  
 Lamborn Roe (TN)  
 Lance Rogers (AL)  
 Landry Rogers (KY)

NOT VOTING—43

Baca Hanna  
 Bass (CA) Heinrich  
 Becerra Hunter  
 Berman Larson (CT)  
 Broun (GA) Lewis (CA)  
 Buerkle Loebsock  
 Chu Mack  
 Cleaver Maloney  
 Denham Marino  
 Donnelly (IN) McCotter  
 Filner McIntyre  
 Garamendi McKeon  
 Granger Miller, Gary  
 Hahn Moore  
 Hall Myrick

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There are 30 seconds remaining.

□ 1906

Ms. HOCHUL changed her vote from  
 “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced  
 as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 316, I was  
 away from the Capitol due to prior commit-  
 ments to my constituents. Had I been present,  
 I would have voted “aye.”

AMENDMENT NO. 5 OFFERED BY MR. MCCLINTOCK  
 The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from California (Mr.  
 MCCLINTOCK) on which further pro-  
 ceedings were postponed and on which  
 the noes prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

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 de-  
 vice, and there were—ayes 138, noes 249,  
 not voting 44, as follows:

[Roll No. 317]

AYES—138

Adams  
 Akin  
 Amash  
 Amodei  
 Andrews  
 Bachmann  
 Baldwin  
 Benishek  
 Berkeley  
 Bilirakis  
 Bishop (UT)  
 Black  
 Blackburn  
 Blumenauer  
 Brady (TX)  
 Brooks  
 Buchanan  
 Burgess  
 Burton (IN)  
 Campbell  
 Canseco  
 Capps  
 Carnahan  
 Carney  
 Chabot  
 Chaffetz  
 Clay  
 Coble  
 Coffman (CO)  
 Cohen  
 Conaway  
 Conyers  
 Culberson  
 DeFazio  
 Duncan (SC)  
 Duncan (TN)  
 Emlers  
 Eshoo  
 Farenthold  
 Fincher  
 Flake  
 Flores  
 Foxx  
 Franks (AZ)  
 Gardner  
 Garrett

NOES—249

Ackerman  
 Aderholt  
 Alexander  
 Altmore  
 Austria  
 Bachus  
 Barletta  
 Barrow  
 Bartlett  
 Barton (TX)  
 Bass (NH)  
 Berg  
 Biggert  
 Bilbray  
 Bishop (GA)  
 Bishop (NY)  
 Bonamici  
 Bonner  
 Bono Mack  
 Boren

Dent  
 DesJarlais  
 Deutch  
 Diaz-Balart  
 Dicks  
 Dingell  
 Doggett  
 Dold  
 Doyle  
 Dreier  
 Edwards  
 Ellison  
 Emerson  
 Engel  
 Farr  
 Fattah  
 Fitzpatrick  
 Fleischmann  
 Forbes  
 Fortenberry  
 Frank (MA)  
 Frelinghuysen  
 Fudge  
 Gallegly  
 Gerlach  
 Gibbs  
 Gibson  
 Gonzalez  
 Goodlatte  
 Graves (MO)  
 Green, Al  
 Green, Gene  
 Griffin (AR)  
 Griffith (VA)  
 Grijalva  
 Grimm  
 Posey  
 Price (GA)  
 Quayle  
 Quigley  
 Ribble  
 Rigell  
 Rohrabacher  
 Rokita  
 Rooney  
 Ross (FL)  
 Royce  
 Rush  
 Ryan (WI)  
 Scalise  
 Schakowsky  
 Schilling  
 Schweikert  
 Scott (SC)  
 Sensenbrenner  
 Serrano  
 Smith (NE)  
 Souterland  
 Stark  
 Stearns  
 Stutzman  
 Sullivan  
 Thompson (CA)  
 Tiberi  
 Tierney  
 Tipton  
 Tsongas  
 Velazquez  
 Walden  
 Walsh (IL)  
 West  
 Westmoreland  
 Nadler  
 Wilson (SC)  
 Woodall  
 Woolsey  
 Yoder

NOT VOTING—44

Baca  
 Bass (CA)  
 Becerra  
 Berman  
 Broun (GA)  
 Buerkle  
 Chu  
 Cleaver  
 Denham  
 Donnelly (IN)  
 Duffy  
 Filner  
 Garamendi  
 Granger  
 Hahn

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There are 30 seconds remaining.

□ 1912

Mr. CUMMINGS and Ms. PELOSI  
 changed their vote from “aye” to “no.”

Messrs. FLORES and RIGELL  
 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. DUFFY. Mr. Chair, on rollcall No. 317, I was unavoidably detained. Had I been present, I would have voted "aye."

Mr. FILNER. Mr. Chair, on rollcall 317, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MATHESON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. MATHESON) 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 152, noes 235, not voting 44, as follows:

[Roll No. 318]

AYES—152

Ackerman	Fudge	Murphy (CT)
Altmire	Gibson	Nadler
Amash	Gonzalez	Neal
Baldwin	Green, Al	Pallone
Barrow	Grijalva	Pastor (AZ)
Bishop (GA)	Gutierrez	Pelosi
Bishop (NY)	Hanabusa	Peters
Blumenauer	Hastings (FL)	Pingree (ME)
Bonamici	Higgins	Polis
Boren	Himes	Price (NC)
Brady (PA)	Hinchee	Quigley
Braley (IA)	Hinojosa	Rangel
Brown (FL)	Hirono	Reyes
Butterfield	Hochul	Richmond
Capps	Holden	Ross (AR)
Capuano	Holt	Roybal-Allard
Carnahan	Honda	Ruppersberger
Carney	Hoyer	Rush
Carson (IN)	Israel	Ryan (OH)
Castor (FL)	Jackson (IL)	Sanchez, Loretta
Chaffetz	Jackson Lee	Sarbanes
Chandler	(TX)	Schakowsky
Ciциlline	Johnson (GA)	Schiff
Clarke (MI)	Johnson (IL)	Schrader
Clarke (NY)	Johnson, E. B.	Schwartz
Clay	Jones	Scott (VA)
Clyburn	Kaptur	Scott, David
Cohen	Keating	Serrano
Connolly (VA)	Kildee	Sewell
Conyers	Kind	Smith (WA)
Costa	Kissell	Speier
Costello	Kucinich	Stark
Critz	Langevin	Sutton
Crowley	Lee (CA)	Thompson (CA)
Cuellar	Levin	Thompson (MS)
Cummings	Lewis (GA)	Tierney
Davis (CA)	Lipinski	Tonko
Davis (IL)	Lowey	Towns
DeFazio	Marchant	Tsongas
DeGette	Markey	Van Hollen
DeLauro	Matheson	Velázquez
Deutch	Matsui	Visclosky
Dicks	McCarthy (NY)	Walz (MN)
Dingell	McCollum	Wasserman
Doggett	McDermott	Schultz
Doyle	McGovern	Waxman
Edwards	McNerney	Welch
Ellison	Meeks	Wilson (FL)
Engel	Michaud	Woolsey
Eshoo	Miller (NC)	Yarmuth
Farr	Miller, George	
Frank (MA)	Moran	

NOES—235

Adams	Andrews	Bartlett
Aderholt	Austria	Barton (TX)
Akin	Bachmann	Bass (NH)
Alexander	Bachus	Benishek
Amodei	Barletta	Berg

Berkley	Griffin (AR)	Peterson
Biggart	Griffith (VA)	Petri
Bilbray	Grimm	Pitts
Bilirakis	Guinta	Platts
Bishop (UT)	Guthrie	Poe (TX)
Black	Harper	Pompeo
Blackburn	Harris	Posey
Bonner	Hartzler	Price (GA)
Bono Mack	Hastings (WA)	Quayle
Boswell	Hayworth	Rahall
Boustany	Heck	Reed
Brady (TX)	Hensarling	Rehberg
Brooks	Herger	Reichert
Buchanan	Herrera Beutler	Renacci
Bucshon	Huelskamp	Ribble
Burgess	Huizenga (MI)	Rigell
Burton (IN)	Hultgren	Rivera
Calvert	Hurt	Roby
Camp	Issa	Roe (TN)
Campbell	Jenkins	Rogers (AL)
Canseco	Johnson (OH)	Rogers (KY)
Cantor	Johnson, Sam	Rogers (MI)
Capito	Jordan	Rohrabacher
Cardoza	Kelly	Rokita
Carter	King (IA)	Rooney
Cassidy	King (NY)	Ros-Lehtinen
Chabot	Kingston	Roskam
Coble	Kinzinger (IL)	Ross (FL)
Coffman (CO)	Kline	Royce
Cole	Labrador	Runyan
Conaway	Lamborn	Ryan (WI)
Cooper	Lance	Scalise
Courtney	Landry	Schilling
Cravaack	Lankford	Schmidt
Crawford	Larsen (WA)	Schock
Crenshaw	Latham	Schweikert
Culberson	LaTourette	Scott (SC)
Davis (KY)	Latta	Scott, Austin
Dent	LoBiondo	Sensenbrenner
DesJarlais	Lofgren, Zoe	Sessions
Diaz-Balart	Long	Shimkus
Dold	Lucas	Simpson
Dreier	Luetkemeyer	Smith (NE)
Duffy	Luján	Smith (NJ)
Duncan (SC)	Lummis	Smith (TX)
Duncan (TN)	Lungren, Daniel	Southerland
Ellmers	E.	Stearns
Emerson	Lynch	Stivers
Farenthold	Manzullo	Stutzman
Fattah	McCarthy (CA)	Sullivan
Fincher	McCauley	Terry
Fitzpatrick	McClintock	Thompson (PA)
Flake	McHenry	Thornberry
Fleischmann	McKinley	Tiberi
Fleming	McMorris	Tipton
Flores	Rodgers	Turner (NY)
Forbes	Meehan	Turner (OH)
Fortenberry	Mica	Upton
Fox	Miller (FL)	Walberg
Franks (AZ)	Miller (MI)	Walden
Frelinghuysen	Mulvaney	Walsh (IL)
Galleghy	Murphy (PA)	Webster
Gardner	Neugebauer	West
Garrett	Noem	Westmoreland
Gerlach	Nugent	Whitfield
Gibbs	Nunes	Wilson (SC)
Gingrey (GA)	Nunnelee	Wittman
Gohmert	Olson	Wolf
Goodlatte	Owens	Womack
Gosar	Palazzo	Woodall
Gowdy	Paulsen	Yoder
Graves (GA)	Pearce	Young (AK)
Graves (MO)	Pence	Young (FL)
Green, Gene	Perlmutter	Young (IN)

NOT VOTING—44

Baca	Hanna	Napolitano
Bass (CA)	Heinrich	Olver
Becerra	Hunter	Pascrell
Berman	Larson (CT)	Paul
Broun (GA)	Lewis (CA)	Richardson
Buerkle	Loeb	Rothman (NJ)
Chu	Loeb	Sánchez, Linda
Cleaver	Maloney	T.
Denham	Marino	Sherman
Donnelly (IN)	McCotter	Shuler
Finer	McIntyre	Shuster
Garamendi	McKeon	Sires
Granger	Miller, Gary	Slaughter
Hahn	Moore	Waters
Hall	Myrick	Watt

□ 1917

So the amendment was rejected.  
The result of the vote was announced as above recorded.  
Stated for:

Mr. FILNER. Mr. Chair, on rollcall 318, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Chair, on June 5, 2012, I was not present for rollcall votes 315–318. If I had been present for these votes, I would have voted: "nay" on rollcall vote 315, "nay" on rollcall vote 316, "nay" on rollcall vote 317, and "aye" on rollcall vote 318.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Chair, I was unavoidably detained and missed rollcall vote Nos. 315, 316, 317, and 318. Had I been present, I would have voted "no" on rollcall vote Nos. 315, 316, 317, 318.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. POE of Texas, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

□ 1920

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. DOGGETT. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Mr. Doggett moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to recede from disagreement with the provisions contained in section 100201 of the Senate amendment (relating to stop tax haven abuse—authorizing special measures against foreign jurisdictions, financial institutions, and others that significantly impede United States tax enforcement).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POE of Texas). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the additional 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.

**INTERNATIONAL CHILD SUPPORT RECOVERY IMPROVEMENT ACT OF 2012**

Mr. BERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4282) to amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4282

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

**SECTION 1. SHORT TITLE; REFERENCES.**

(a) **SHORT TITLE.**—This Act may be cited as the “International Child Support Recovery Improvement Act of 2012”.

(b) **REFERENCES.**—Except as otherwise expressly provided in this Act, wherever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the amendment shall be considered to be made to a section or other provision of the Social Security Act.

**SEC. 2. AMENDMENTS TO ENSURE ACCESS TO CHILD SUPPORT SERVICES FOR INTERNATIONAL CHILD SUPPORT CASES.**

(a) **AUTHORITY OF THE SECRETARY OF HHS TO ENSURE COMPLIANCE WITH MULTILATERAL CHILD SUPPORT CONVENTIONS.**—

(1) **IN GENERAL.**—Section 452 (42 U.S.C. 652) is amended—

(A) by redesignating the second subsection (1) (as added by section 7306 of the Deficit Reduction Act of 2005) as subsection (m); and

(B) by adding at the end the following:

“(n) The Secretary shall use the authorities otherwise provided by law to ensure the compliance of the United States with any multilateral child support convention to which the United States is a party.”.

(2) **CONFORMING AMENDMENT.**—Section 453(k)(3) (42 U.S.C. 653(k)(3)) is amended by striking “452(1)” and inserting “452(m)”.

(b) **ACCESS TO THE FEDERAL PARENT LOCATOR SERVICE.**—Section 453(c) (42 U.S.C. 653(c)) is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) an entity designated as a Central Authority for child support enforcement in a foreign reciprocating country or a foreign treaty country for purposes specified in section 459A(c)(2).”.

(c) **STATE OPTION TO REQUIRE INDIVIDUALS IN FOREIGN COUNTRIES TO APPLY THROUGH THEIR COUNTRY’S APPROPRIATE CENTRAL AUTHORITY.**—Section 454 (42 U.S.C. 654) is amended—

(1) in paragraph (4)(A)(ii), by inserting before the semicolon “(except that, if the individual applying for the services resides in a foreign reciprocating country or foreign treaty country, the State may opt to require the individual to request the services through the Central Authority for child support enforcement in the foreign reciprocating country or the foreign treaty country, and if the individual resides in a foreign country that is not a foreign reciprocating country or a foreign treaty country, a State may accept or reject the application)”;

(2) in paragraph (32)—

(A) in subparagraph (A), by inserting “, a foreign treaty country,” after “a foreign reciprocating country”; and

(B) in subparagraph (C), by striking “or foreign obligee” and inserting “, foreign treaty country, or foreign individual”.

(d) **AMENDMENTS TO INTERNATIONAL SUPPORT ENFORCEMENT PROVISIONS.**—Section 459A (42 U.S.C. 659a) is amended—

(1) by adding at the end the following:

“(e) **REFERENCES.**—In this part:

“(1) **FOREIGN RECIPROCATING COUNTRY.**—The term ‘foreign reciprocating country’ means a foreign country (or political subdivision thereof) with respect to which the Secretary has made a declaration pursuant to subsection (a).

“(2) **FOREIGN TREATY COUNTRY.**—The term ‘foreign treaty country’ means a foreign country for which the 2007 Family Maintenance Convention is in force.

“(3) **2007 FAMILY MAINTENANCE CONVENTION.**—The term ‘2007 Family Maintenance Convention’ means the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.”;

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “foreign countries that are the subject of a declaration under this section” and inserting “foreign reciprocating countries or foreign treaty countries”; and

(B) in paragraph (2), by inserting “and foreign treaty countries” after “foreign reciprocating countries”; and

(3) in subsection (d), by striking “the subject of a declaration pursuant to subsection (a)” and inserting “foreign reciprocating countries or foreign treaty countries”.

(e) **COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS.**—Section 464(a)(2)(A) (42 U.S.C. 664(a)(2)(A)) is amended by striking “under section 454(4)(A)(ii)” and inserting “under paragraph (4)(A)(ii) or (32) of section 454”.

(f) **STATE LAW REQUIREMENT CONCERNING THE UNIFORM INTERSTATE FAMILY SUPPORT ACT (UIFSA).**—

(1) **IN GENERAL.**—Section 466(f) (42 U.S.C. 666(f)) is amended—

(A) by striking “on and after January 1, 1998.”;

(B) by striking “and as in effect on August 22, 1996.”; and

(C) by striking “adopted as of such date” and inserting “adopted as of September 30, 2008”.

(2) **CONFORMING AMENDMENTS TO TITLE 28, UNITED STATES CODE.**—Section 1738B of title 28, United States Code, is amended—

(A) in subsection (d), by striking “individual contestant” and inserting “individual contestant or the parties have consented in a record or open court that the tribunal of the State may continue to exercise jurisdiction to modify its order.”;

(B) in subsection (e)(2)(A), by striking “individual contestant” and inserting “individual contestant and the parties have not consented in a record or open court that the tribunal of the other State may continue to exercise jurisdiction to modify its order”; and

(C) in subsection (b)—

(i) by striking “‘child’ means” and inserting “(1) The term ‘child’ means”;

(ii) by striking “‘child’s State’ means” and inserting “(2) The term ‘child’s State’ means”;

(iii) by striking “‘child’s home State’ means” and inserting “(3) The term ‘child’s home State’ means”;

(iv) by striking “‘child support’ means” and inserting “(4) The term ‘child support’ means”;

(v) by striking “‘child support order’” and inserting “(5) The term ‘child support order’”;

(vi) by striking “‘contestant’ means” and inserting “(6) The term ‘contestant’ means”;

(vii) by striking “‘court’ means” and inserting “(7) The term ‘court’ means”;

(viii) by striking “‘modification’ means” and inserting “(8) The term ‘modification’ means”;

(ix) by striking “‘State’ means” and inserting “(9) The term ‘State’ means”.

(3) **EFFECTIVE DATE; GRACE PERIOD FOR STATE LAW CHANGES.**—

(A) **PARAGRAPH (1).**—(i) The amendments made by paragraph (1) shall take effect with respect to a State on the earlier of—

(I) October 1, 2013; or

(II) the effective date of laws enacted by the legislature of the State implementing such paragraph, but in no event later than the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act.

(ii) For purposes of clause (i), in the case of a State that has a 2-year legislative session, each year of the session shall be deemed to be a separate regular session of the State legislature.

(B) **PARAGRAPH (2).**—(i) The amendments made by subparagraphs (A) and (B) of paragraph (2) shall take effect on the date on which the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance enters into force for the United States.

(ii) The amendments made by subparagraph (C) of paragraph (2) shall take effect on the date of the enactment of this Act.

**SEC. 3. DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.**

(a) **IN GENERAL.**—Section 452 (42 U.S.C. 652), as amended by section 2(a)(1) of this Act, is amended by adding at the end the following:

“(o) **DATA EXCHANGE STANDARDIZATION FOR IMPROVED INTEROPERABILITY.**—

“(1) **DATA EXCHANGE STANDARDS.**—

“(A) **DESIGNATION.**—The Secretary, in consultation with an interagency work group which shall be established by the Office of Management and Budget, and considering State and tribal perspectives, shall, by rule, designate a data exchange standard for any category of information required to be reported under this part.

“(B) **DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.**—The data exchange standard designated under subparagraph (A) shall, to the extent practicable, be nonproprietary and interoperable.

“(C) **OTHER REQUIREMENTS.**—In designating data exchange standards under this section, the Secretary shall, to the extent practicable, incorporate—

“(i) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget, such as the International Organization for Standardization;

“(ii) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and

“(iii) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance, such as the Federal Acquisition Regulatory Council.

“(2) **DATA EXCHANGE STANDARDS FOR REPORTING.**—

“(A) **DESIGNATION.**—The Secretary, in consultation with an interagency work group established by the Office of Management and

Budget, and considering State and tribal perspectives, shall, by rule, designate data exchange standards to govern the data reporting required under this part.

“(B) REQUIREMENTS.—The data exchange standards required by subparagraph (A) shall, to the extent practicable—

“(i) incorporate a widely-accepted, non-proprietary, searchable, computer-readable format;

“(ii) be consistent with and implement applicable accounting principles; and

“(iii) be capable of being continually updated as necessary.

“(C) INCORPORATION OF NONPROPRIETARY STANDARDS.—In designating reporting standards under this paragraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards, such as the eXtensible Markup Language.”.

(b) EFFECTIVE DATES.—

(1) DATA EXCHANGE STANDARDS.—The Secretary of Health and Human Services shall issue a proposed rule under section 452(o)(1) of the Social Security Act within 12 months after the date of the enactment of this section, and shall issue a final rule under such section 452(o)(1), after public comment, within 24 months after such date of enactment.

(2) DATA REPORTING STANDARDS.—The reporting standards required under section 452(o)(2) of such Act shall become effective with respect to reports required in the first reporting period, after the effective date of the final rule referred to in paragraph (1) of this subsection, for which the authority for data collection and reporting is established or renewed under the Paperwork Reduction Act.

**SEC. 4. EFFICIENT USE OF THE NATIONAL DIRECTORY OF NEW HIRES DATABASE FOR FEDERALLY SPONSORED RESEARCH ASSESSING THE EFFECTIVENESS OF FEDERAL POLICIES AND PROGRAMS IN ACHIEVING POSITIVE LABOR MARKET OUTCOMES.**

Section 453 (42 U.S.C. 653) is amended—

(1) in subsection (i)(2)(A), by striking “24” and inserting “48”; and

(2) in subsection (j), by striking paragraph (5) and inserting the following:

“(5) RESEARCH.—

“(A) IN GENERAL.—Subject to subparagraph (B) of this paragraph, the Secretary may provide access to data in each component of the Federal Parent Locator Service maintained under this section and to information reported by employers pursuant to section 453A(b), for—

“(i) research undertaken by a State or Federal agency (including through grant or contract) for purposes found by the Secretary to be likely to contribute to achieving the purposes of part A or this part; or

“(ii) an evaluation or statistical analysis undertaken to assess the effectiveness of a Federal program in achieving positive labor market outcomes (including through grant or contract), by—

“(I) the Department of Health and Human Services;

“(II) the Social Security Administration;

“(III) the Department of Labor;

“(IV) the Department of Education;

“(V) the Department of Housing and Urban Development;

“(VI) the Department of Justice;

“(VII) the Department of Veterans Affairs;

“(VIII) the Bureau of the Census;

“(IX) the Department of Agriculture; or

“(X) the National Science Foundation.

“(B) PERSONAL IDENTIFIERS.—Data or information provided under this paragraph may include a personal identifier only if, in addition to meeting the requirements of subsections (1) and (m)—

“(i) the State or Federal agency conducting the research described in subpara-

graph (A)(i), or the Federal department or agency undertaking the evaluation or statistical analysis described in subparagraph (A)(ii), as applicable, enters into an agreement with the Secretary regarding the security and use of the data or information;

“(ii) the agreement includes such restrictions or conditions with respect to the use, safeguarding, disclosure, or redisclosure of the data or information (including by contractors or grantees) as the Secretary deems appropriate;

“(iii) the data or information is used exclusively for the purposes defined in the agreement; and

“(iv) the Secretary determines that the provision of data or information under this paragraph is the minimum amount needed to conduct the research, evaluation, or statistical analysis, as applicable, and will not interfere with the effective operation of the program under this part.

“(C) PENALTIES FOR UNAUTHORIZED DISCLOSURE OF DATA.—Any individual who willfully discloses a personal identifier (such as a name or social security number) provided under this paragraph, in any manner to an entity not entitled to receive the data or information, shall be fined under title 18, United States Code, imprisoned not more than 5 years, or both.”.

**SEC. 5. BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Dakota (Mr. BERG) and the gentleman from Texas (Mr. DOGGETT) each will control 20 minutes.

The Chair recognizes the gentleman from North Dakota.

**GENERAL LEAVE**

Mr. BERG. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

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

There was no objection.

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

I rise today with my colleague, Mr. DOGGETT of Texas, and other members of the Human Resources Subcommittee of the Committee on Ways and Means. I urge support for House Resolution 4282, as amended, the International Child Support Recovery Improvement Act of 2012.

This bill provides the implementing legislation for the Hague Convention on International Recovery of Child Support and Other Forms of Family Maintenance. Negotiation of this treaty began in 2003, and it was eventually signed in 2007. The Senate then provided its consent in 2010. Now States cannot take advantage of the benefits of this treaty until Congress moves forward.

Currently, States have the option to recognize child support orders from

other countries and many of them do. However, States have found that other countries are less cooperative in recognizing our orders.

The Hague Convention seeks to address this issue by establishing a standardized process so more countries cooperate in the collection of child support. This will ensure that children in the United States have the same access to financial support even when one of their parents is abroad.

This bill is about empowering the States, which operate the child support enforcement program, to do more for families and, most importantly, for children.

My home State of North Dakota has already made the necessary changes to its State law to accept the Hague Convention. Unfortunately, we are one of only 10 States that have done so. The United States cannot ratify the Hague Convention until all States make the necessary changes, so now is the time to act.

On March 20, the Human Resources Subcommittee of the Committee on Ways and Means had a hearing on this issue and heard that States are waiting to follow our lead. It's time for this Chamber to do its job and pass this bill, which will improve the program while resulting in modest savings.

This bill also includes the continuation of our subcommittee's bipartisan efforts to standardize the process and data, and improve the exchange of data within and across human services programs. While the child support system already relies heavily on data exchanges, it's important for those efforts to be consistent with provisions we have recently enacted in child welfare, TANF, and unemployment programs. The goal is simple: improve government's efficiency; provide benefits to those who are eligible; and drive out waste, fraud, and abuse.

Finally, this bill expands researcher's access to a database maintained by the Office of Child Support Enforcement. The National Directory of New Hires, NDNH, captures employment information for individuals working in most jobs in the United States. Expanding access to earning data in the NDNH will improve our ability to determine whether Federal education, training, and social service programs help people find and keep jobs.

According to the administration, most Federal agencies do not currently have reliable access to data that can show the impact of their programs on a participant's employment and earnings. In an era of tighter resources, it's critical that we have reliable data to conduct rigorous evaluations and make sure that Federal investments are getting results.

The National Child Support Enforcement Association represents the views of State agency child support directors and actively participated in the negotiations of the Hague Convention.

I would like to thank Congressman GEOFF DAVIS, the chairman of the

Ways and Means Subcommittee on Human Resources. I would also like to thank the subcommittee's ranking member, Mr. DOGGETT, who joins me on the floor today, as well as other members of the subcommittee for their support and original sponsorship.

I invite all Members to join us in supporting this important bipartisan legislation. It will move us a step closer to ratifying the Hague Convention on the International Recovery of Child Support and ensuring that more children living in the United States receive the financial support they deserve.

I urge all my colleagues to support it and reserve the balance of my time.

COALITION FOR  
EVIDENCE-BASED POLICY,  
April 10, 2012.

Hon. GEOFF DAVIS,  
Chairman, House Committee on Ways and Means, Subcommittee on Human Resources, Washington DC.

Hon. LLOYD DOGGETT,  
Ranking Member, House Committee on Ways and Means, Subcommittee on Human Resources, Washington DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: I'm writing to express our strong support for your subcommittee's efforts, in H.R. 4282, to increase researcher access to the National Directory of New Hires (NDNH).

As background, the Coalition for Evidence-Based Policy is a nonprofit, nonpartisan organization, whose mission is to increase government effectiveness through rigorous evidence about "what works." We have no financial interest in this or any other policy proposals or initiatives.

Our support for your proposal to increase researcher access to NDNH is based on its potential to greatly lower the cost and burden of conducting scientifically-rigorous evaluations of employment programs, by enabling such studies to measure employment and earnings outcomes using existing administrative data rather than engaging in costly new data collection (e.g., individual interviews).

As summarized in a short brief we recently developed—Rigorous Program Evaluations on a Budget—in other policy areas where administrative data are more accessible, such as education and criminal justice, large-scale rigorous evaluations have sometimes been conducted for as little as \$50,000–\$100,000, producing valid evidence that is of policy and practical importance. Researcher access to NDNH data could bring this capability to workforce development policy, greatly accelerating the development of credible evidence about what works to improve the employment and earnings of U.S. workers.

We appreciate your leadership on this important issue. Please let us know if we can be of assistance as it goes forward.

Sincerely,

JON BARON,  
President.

BUILDING KNOWLEDGE  
TO IMPROVE SOCIAL POLICY,  
June 4, 2012.

Hon. CONGRESSMAN BERG,  
Cannon House Office Building,  
Washington, DC.

DEAR CONGRESSMAN BERG: I am writing to congratulate you on advancing H.R. 4282, The International Child Support Recovery and Improvement Act of 2012, to the House floor. Thank you again for inviting me to testify before the Human Resources Subcommittee on Ways and Means.

As I stated in my recent testimony, this bill includes an important technical provision that enables researchers to more easily access the National Directory of New Hires (NDNH) database, which contains earnings and employment data collected by states from employers. Removing this barrier in the law will result in more accurate, cost-effective assessments of the employment effects of federal programs.

Independent research firms like MDRC are contracted by the government to evaluate the extent to which federal programs work; in many cases, a key measure of effectiveness is the programs' long-term impact on participants' employment and earnings. The NDNH database, maintained by the federal Office of Child Support Enforcement, houses employment and earnings data reported by the states for child support enforcement purposes. However, research contractors are generally unable to access this essential database. Instead they are forced to get the very same data directly from the states, at great cost to the federal government and at considerable burden in duplicative reporting for the states.

In this time of severe budget constraints, Congress must have credible, nonpartisan information to understand whether federally supported programs actually help people find work and increase their earnings. The technical provision in this bill would ensure the availability of data necessary for researchers to examine the effectiveness of these programs.

This provision expands researchers' access to NDNH data and also maintains strong privacy protections. Since personally identifiable information is contained in the NDNH database, the provision requires research firms to continue to uphold strict rules governing the data's confidentiality and provides severe penalties for unauthorized disclosure of this data.

Thank you for recognizing the importance of giving researchers greater access to NDNH data. Attached is my testimony for further reference.

Sincerely,

GORDON L. BERLIN,  
President, MDRC.

NATIONAL CHILD SUPPORT  
ENFORCEMENT ASSOCIATION,  
McLean, VA, June 4, 2012.

Representative GEOFF DAVIS, Chairman,  
Representative LLOYD DOGGETT, Ranking  
Member,

Ways and Means Subcommittee on Human Resources, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS AND RANKING MEMBER DOGGETT: The National Child Support Enforcement Association (NCSEA) supports the bipartisan International Child Support Recovery Improvement Act of 2012 (H.R. 4282) and applauds your efforts to bring the measure to the House floor.

Section 2 of the bill provides the implementing language necessary to ratify the 2007 Hague Convention Treaty on the International Recovery of Child Support and Other Forms of Family Maintenance. NCSEA members worked tirelessly on the Convention. It contains procedures for processing international child support cases that are uniform, simple, efficient, accessible, and cost-free to U.S. citizens seeking support in other countries. It is founded on the agreement of countries that ratify the Convention to recognize and enforce each other's support orders.

International cases can be challenging and very time consuming for child support workers because there are no agreed upon standards of proof, forms or methods of communication. As more parents cross inter-

national borders leaving children behind, international child support enforcement is more important than ever.

For many international cases, U.S. courts and state Title IV-D child support enforcement agencies already recognize and enforce child support obligations, whether or not the United States has a reciprocal agreement with the other country. However, many foreign countries will not enforce U.S. support orders in the absence of a treaty obligation. Ratification of the Convention by the United States will mean that more children residing in the United States will receive financial support from their parents residing in countries that are also signatories to the Convention.

NCSEA has long sought congressional action on this issue, so that our nation's children receive the financial support to which they are entitled.

Thank you again for your leadership on this bill.

Sincerely,  
COLLEEN DELANEY EUBANKS,  
Executive Director.

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

I am pleased to join my colleague from North Dakota in our truly bipartisan effort on behalf of H.R. 4282, the International Child Support Recovery Improvement Act. He has made an excellent statement regarding the need for this legislation.

International borders should never be barriers to children receiving the financial support that their parents are obligated to provide, nor should a parent be able to avoid their responsibility by just leaving the country. That's why the United States has previously adopted reciprocal agreements with a number of other nations to collect child support from deadbeat parents who do not live in the same country as their children. But these agreements don't cover many nations, and the procedures sometimes vary from nation to nation. A more comprehensive approach is to enter into a broad convention, another type of treaty, to ensure the international collection of child support.

□ 1930

In 2010, the Senate ratified the Hague Convention for the International Recovery of Child Support. Today's bill simply implements the treaty and provides that our child support collection across America fully complies with our treaty obligations. This will assure that more children living in the United States obtain the necessary financial support from a parent living in another country, and it will also protect taxpayers who ought not have to be responsible for covering the expenses when a parent is obligated to do so.

Exemplifying the need for today's bill is the plea of a mother from Houston, who wrote to the Federal Office of Child Support Enforcement:

Please help me collect child support from my daughter's father in Venezuela. We were married years ago in the United States. It took a long time to finalize the divorce, as he was out of the country. Finally, the divorce went through, which at the time was a relief. But 3 to 4 years later, my daughter is



12 and teenage expenses are kicking in. Regardless of the divorce requirements, he states Venezuela is unable to conduct business with the U.S., and he's unable to send money on his own.

Our bill would provide relief to her and many other families. Child support touches the lives of nearly one in four children across America, securing financial support for almost 18 million children—including a million and a half children in Texas—and it's played an important role in keeping children out of poverty. Without its support, roughly half a million children would have fallen into poverty in 2010.

This bill recognizes the general premise that both parents are responsible for their children.

It would respond to another Texas mother who wrote the same office:

My ex-husband has been working for an international company for nearly 6 years. His income the first year was \$100,000. To date, after taxes, he's clearing over \$8,000 monthly. Per our court order, I'm only receiving \$260 a month, which is now currently on hold. So therefore I'm not receiving any funds from my child support at all. Please help me. I'm making less money since I switched from the night shift to days to be home with my two children. I keep making necessary sacrifices, but I have no one to help me.

That's the kind of individual, the kind of children that would be assisted by this legislation. Passing the act would access financial support from a noncustodial parent living abroad. As with other effective child support initiatives, taxpayers will benefit by not being saddled with the cost of supporting children whose parents should be doing so.

The Congressional Budget Office has estimated that this bill will result in some modest net savings to the child support program. Child support advocates, as Mr. BERG indicated, along with the American Bar Association, the Conference of State Court Administrators, the Conference of Chief Justices, and the National Center for State Courts have all endorsed this legislation. It is truly a bipartisan effort that improves the well-being of many children by ensuring that their parents abroad continue to fulfill their obligations here at home in the United States to their children.

I urge approval of this bill, and I yield back the balance of my time.

Mr. BERG. Again, this legislation will help families, and most importantly, children—help them receive the financial services they need, regardless of where they live or where their parents live. I appreciate the comments of our subcommittee ranking member who has joined me here today on the floor in support of this bill, and I look forward to continuing to work with him as we improve the child support enforcement program.

I yield back the balance of my time.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON THE JUDICIARY, WASH-  
INGTON, DC, MAY 18, 2012.

Hon. DAVE CAMP,  
*Chairman, Committee on Ways and Means, 1102  
Longworth House Office Building, Wash-  
ington, DC.*

DEAR CHAIRMAN CAMP, reference is made to H.R. 4282, the "International Child Support Recovery Improvement Act of 2012," with respect to which the Committee on the Judiciary received a referral. I understand that the bill may soon proceed to consideration by the full House. As a result of your having consulted with the Judiciary Committee concerning provisions of the bill that fall within our Rule X jurisdiction, and your agreement to call up an amended version of the bill that is consistent with our mutual understanding with respect to those provisions, I to agree to discharge the Committee on the Judiciary from further consideration of the bill so that the bill may proceed expeditiously to the House Floor.

The Judiciary Committee takes this action with our mutual understanding that, by foregoing consideration of H.R. 4282 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 4282, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration thereof.

Sincerely,

LAMAR SMITH  
*Chairman.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON WAYS AND MEANS,  
WASHINGTON, DC, MAY 23, 2012.

Hon. LAMAR SMITH,  
*Chairman, Committee on the Judiciary, 2138  
Rayburn House Office Building, Wash-  
ington, DC.*

DEAR CHAIRMAN SMITH, thank you for your letter regarding H.R. 4282, the "International Child Support Recovery Improvement Act of 2012," which the Committee on Ways and Means anticipates may soon proceed to consideration by the full House.

As introduced, H.R. 4282 contained two provisions (sections 2 and 4) that formed the basis of an additional referral of the bill to your committee. I am most appreciative of your decision to discharge the Committee on the Judiciary from further consideration of H.R. 4282, as amended, so that it may proceed to the House floor. I acknowledge that, although you are waiving formal consideration of the bill, the Committee on the Judiciary is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill, including sections 2 and 4 of the bill as amended, which fall within your Rule X jurisdiction. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I will be pleased to include a copy of this letter, as well as your letter dated May 18, 2012, in the Congressional Record during floor consideration of H.R. 4282.

DAVE CAMP,  
*Chairman.*

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Dakota (Mr. BERG) that the House suspend the rules and pass the bill, H.R. 4282, 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.

#### ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

The SPEAKER pro tempore (Mr. BERG). Pursuant to House Resolution 667 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. 5325.

Will the gentleman from Texas (Mr. POE) kindly resume the chair.

□ 1936

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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. POE of Texas (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, an amendment offered by the gentleman from Utah (Mr. MATHESON) had been disposed of and the bill had been read through page 56, line 24.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I rise to offer an amendment as the designee of Congressman MCINTYRE of North Carolina.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to plan for the termination of periodic nourishment for any water resource development project described in section 156 of the Water Resources Development Act of 1976 (Public Law 94-587), as amended by the Water Resources Development Act of 1986 (Public Law 99-662).

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. KAPTUR. I rise today on behalf of the esteemed gentleman from North Carolina, Representative MIKE MCINTYRE, who represents a district inclusive of the southeastern coast of North Carolina. Congressman MCINTYRE is, unfortunately, unable to come to the floor tonight, so I rise on his behalf to offer the following amendment.

This amendment will prevent the Army Corps of Engineers from using funds to terminate or plan to terminate any 50-year coastal storm damage reduction project. The language in this amendment will give Congress and the Corps needed time to determine proper evaluation procedures.

Coastal storm damage reduction projects were created by Congress to keep coastal communities safe and, over time, to save taxpayer dollars from repeated damage costs. These projects involve Federal-State partnerships where the communities assume the Federal Government will meet the commitment we have established through the Army Corps of Engineers.

Obviously, coastal regions across our country have varying needs. The Seventh Congressional District of North Carolina is coastally different than Ohio's Ninth Congressional District along Lake Erie, which I represent. But the more than 100 miles of Ohio coastline that are in the Ninth District have seen important improvements for flood protection and shoreline improvement installations over the years that have proven themselves to be cost effective. In particular, two of these in Point Place and Maumee Bay have both performed better than even the Army Corps of Engineers analysis originally predicted. As a result of these completed projects, coastal communities in our region have been protected from costly and previously unmanageable storm water damage.

In today's energy and water legislation, I ask on behalf of Mr. MCINTYRE and myself that Congress give communities affected by this amendment the same chance. On behalf of Congressman MCINTYRE, I appreciate the respected chairman and ranking member of the Energy and Water Subcommittee, Mr. FRELINGHUYSEN and Mr. VISCLOSKY, for their willingness to work collaboratively on these issues. These projects are proven successes, and the demonstrated need warrants a continuation of these cost-conscious investments that improve the safety of our coastal communities.

I yield back the balance of my time.

□ 1940

The Acting CHAIR. Does any Member seek time in opposition?

The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment on behalf of the gentleman from California (Mr. DENHAM).

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement section 10011(b) of Public Law 111-11.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. This amendment has been adopted by the House twice unanimously, and so I urge the passage of the amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I support the amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chair, I do rise today in opposition to the amendment offered by my colleague from Alaska on behalf of the gentleman from California.

In 2009, the Congress ratified the San Joaquin Settlement Act, which ended 18 years of litigation in the Central Valley of California over water. The agreement was supported by the Bush administration and California's then-Republican Governor Schwarzenegger. The Federal authorizing legislation was initially cosponsored by Congressman Pombo in the House and Senator FEINSTEIN in the Senate.

If the amendment that has been offered were adopted, I believe we would be undermining the San Joaquin River agreement, which, if it were to stand, would land this case back in court. If the court is forced to take over river restoration, the Friant water users would be at risk of losing the 20 years of water supply certainty provided by the settlement.

By blocking funding for efforts to restore salmon, the Denham amendment offered by Mr. YOUNG would potentially end the broadly supported and bipartisan effort to restore the San Joaquin River while also improving water supply management, flood protections, and water quality. Therefore, I do insist on objecting to the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), and the amount otherwise appropriated by this Act for "Title 17 Innovative Technology Loan Guarantee Program" is hereby reduced by \$33,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. My amendment would put a moratorium for fiscal year 2013 on any new loan guarantees under what is now known as the section 1703 loan guarantee program. To offset the loss of administrative revenue that would no longer come to the Department of Energy if the amendment passes, the amendment cuts \$33 million from administrative costs that will not be necessary if the program is suspended. This program, originated in the Energy Policy Act of 2005, offers a guarantee for the loans that finance an energy project. With that kind of guarantee, the risk for the loaning entity is considered lower, which means they can charge a lower interest rate to the people initiating the energy project. In other words, it saves the project money. But it also puts the taxpayers on the hook if the project defaults.

Section 1703 projects cover nuclear, coal, and even renewable energy. The closer we look at the guarantees, the less they seem like a worthwhile investment for the American taxpayer. Let me give you an example.

Some of the biggest guarantees are for nuclear power. One of the first and biggest loans the Department of Energy is considering is one that is not necessary. That's not my assessment; it's the assessment of Kevin Marsh, the president of South Carolina Electric & Gas Company, which is attempting to build a new nuclear power plant. He said on a call to analysts and investors:

We're confident in our ability to finance this project without a loan guarantee.

This program stands to give him and his project, which could be in the \$8 billion to \$11 billion range, a preemptive bailout that is not even needed.

Here's another example. A loan guarantee that is most likely to be awarded is for a new nuclear plant called Vogtle. That loan guarantee is for \$8.3 billion. For those of you who displayed a great deal of concern about Solyndra's loan guarantee, this one is 15 times the size. With a project that big, it makes sense to look closely at the odds of this project going into default, leaving the taxpayers with the price tag. Well, Vogtle already has \$913 million in cost overruns, and their SEC filings indicate more overruns can be expected. That, of course, is not at all unusual for a nuclear power plant

project. Construction cost overruns are the rule, not the exception.

Maybe that's why the CBO had this to say about nuclear loan guarantees:

CBO considers the risk of default on such a loan guarantee to be very high—well above 50 percent.

Or maybe they said that because there is another reason to expect nuclear power plants will continue to struggle financially: that reason is the low cost of natural gas that makes it far more attractive than taking multiple risks by going with nuclear power. Dale Klein, a former chairman of the NRC, cautioned that nuclear plants will not move off the blackboard and into construction, not as long as natural gas remains as cheap and plentiful as it is today.

Nuclear power is not the only recipient of government largesse under the section 1703 loan guarantee. Even if you are a nuclear power plant supporter, there are plenty of other boondoggles that are covered by this program that I don't have time to go into. That's why Members of Congress on both sides of the aisle can get behind this amendment, which is supported by a bipartisan coalition of groups, including Taxpayers for Common Sense, Friends of the Earth, National Taxpayers Union, and Physicians for Social Responsibility. It is for those who are concerned about wasteful government spending. This program alone will cost the taxpayers over \$500 million—not including any defaults the taxpayers may have to cover. This amendment is for those who have concerns about deficit spending. It's for those with free market concerns about an energy technology that is not financially viable even after tens of billions of dollars in subsidies and decades of opportunities to mature to the point where subsidies are not needed. It is for those who are concerned about the effects of these energy technologies on our drinking water, on clean air, on healthy soil, and on climate change. It is for those who have concerns as ratepayers that they'll get stuck holding the bill when an energy project fails and their electricity rates go up. It is for those who found the Solyndra default to be outrageous.

There's a little something for everyone with this amendment. I urge my colleagues to support it, and I yield back the balance of my time.

My amendment would put a moratorium for fiscal year 2013 on any new loan guarantees under what is known as the Section 1703 loan guarantee program. To offset the loss of administrative revenue that would no longer come to the Department of Energy if the amendment passes, the amendment cuts \$33 million from administrative costs that will not be necessary if the program is suspended. This program, originated in the Energy Policy Act of 2005, offers a guarantee for the loans that finance an energy project. With that kind of guarantee, the risk for the loaning entity is considered lower, which means they can charge a lower interest rate to the people initiating the energy project. In other words, it

saves the project money. But it also puts taxpayers on the hook if the project defaults.

Section 1703 projects cover nuclear, coal, and even renewable energy. The closer we look at the guarantees, the less they seem like a worthwhile investment for the American taxpayer. Let me give you an example.

Some of the biggest guarantees are for nuclear power. One of the first and biggest loans the Department of Energy is considering is one that is not necessary. That is not my assessment. That is the assessment of Kevin B. Marsh, the President of South Carolina Electric & Gas Company, which is attempting to build a new nuclear power plant. He said on a call to analysts and investors, "[W]e are confident in our ability to finance this project without loan guarantee . . ." This program stands to give him and his project, which could be in the 8–11 billion dollar range, a preemptive bailout that is not even needed.

Here's another example. A loan guarantee that is most likely to be awarded is for a new nuclear power plant called Vogtle. That loan guarantee is for 8.33 billion dollars. For those of you who displayed a great deal of concern about Solyndra's loan guarantee, this one is 15 times as big. With a project that big, it makes sense to look closely at the odds of this project going into default, leaving you and me with the price tag. Well, Vogtle already has \$913 million in cost overruns and their SEC filings indicate more overruns can be expected. That, of course, is not at all unusual for a nuclear power plant project. Construction cost overruns are the rule, not the exception.

Maybe that is why the Congressional Budget Office had this to say about nuclear loan guarantees; "CBO considers the risk of default on such a loan guarantee to be very high—well above 50 percent." Or maybe they said that because there is another reason to expect nuclear power plants will continue to struggle financially; that reason is the low cost of natural gas that makes it far more attractive than taking multiple risks by going with nuclear power. Dale Klein, a former chairman of the Nuclear Regulatory Commission, cautioned that nuclear plants will not "move off the blackboard and into construction . . ." Not as long as natural gas remains as cheap and plentiful as it is today."

Nuclear power is not the only recipient of government largesse under the section 1703 loan guarantee program. Even if you are a nuclear power supporter, there are plenty of other boondoggles covered by this program that I don't have time to go into.

That is why Members of Congress on both sides of the aisle can get behind this amendment, which is supported by a bipartisan coalition of groups including Taxpayers for Common Sense, Friends of the Earth, National Taxpayers Union, and Physicians for Social Responsibility. It is for those who are concerned about wasteful government spending. This program alone will cost the taxpayers over 500 million dollars—not including any defaults the taxpayers may have to cover. This amendment is for those who have concerns about deficit spending. It is for those with free market concerns about an energy technology that is not financially viable even after tens of billions of dollars of subsidies and decades of opportunities to mature to the point where subsidies are not needed. It is for those who are concerned about the effects of these energy technologies on our drinking water, on

clean air, on healthy soil, and on climate change. It is for those who have concerns as ratepayers that they will also get stuck holding the bill when an energy project fails and their electricity rates go up. It is for those who found the Solyndra default to be outrageous.

There is a little something for everyone here. I urge my colleagues to support the Kucinich amendment.

#### POTENTIAL QUESTIONS

You are targeting nuclear loan guarantees. This is an anti-nuclear amendment.

The Section 1703 loan guarantees will be awarded to a range of energy projects, including some which I wholeheartedly support like renewable energy. I firmly believe that renewables deserve to have aggressive subsidies to help them compete with the fuels of yesterday that have been so heavily subsidized for decades. But I am looking at the big picture here. This program, on balance, is bad policy.

It is bad for our energy portfolio, bad for taxpayers, bad for clean air and water, and bad fiscal policy. Many of my friends on the other side of the aisle have voiced concerns over government picking winners and losers. This qualifies. They have expressed concern about government spending. This is a half billion program at a minimum, probably many times that. They have expressed concern about deficit spending. This is it. They have expressed concern that the free market should reign. This program does the opposite.

This is an anti-renewable amendment. This is a 32 billion dollar loan guarantee program, of which only between 1.2 billion and 4 billion dollars is dedicated to renewables. The rest goes to unsustainable energy. Still, I don't take the renewable money lightly. I am a major supporter of the solar industry. In fact, I think the rapid and full throated deployment of solar energy should be one of our top priorities in Congress. But I am looking at the big picture here. This program, on balance, is bad policy.

It is bad for our energy portfolio, bad for taxpayers, bad for clean air and water, and bad fiscal policy. Many of my friends on the other side of the aisle have voiced concerns over government picking winners and losers. This qualifies. They have expressed concern about government spending. This is a half billion program at a minimum, probably many times that. They have expressed concern about deficit spending. This is it. They have expressed concern that the free market should reign. This program does the opposite.

This is a limitation amendment so you will not save a half billion dollars.

We will not save the half billion all in one year. But if we hit the pause button on this program to consider it a little more carefully, we won't spend any of that money this year.

Nuclear is viable/a good investment/financially sustainable.

In reaction to Southern Company's investment in new nuclear reactors in 2010, Moody's downgraded its rating of Southern Company's.

The Economist magazine declared in its March 10th issue that nuclear power is "the dream that failed"; the plants are too costly and uncompetitive with alternatives.

How will this amendment work?

The CBO determined that budget authority would be increased by this amendment because administrative revenue from the loan guarantee recipients to the Department of Energy would be foregone. CBO estimated that

amount to be \$33 million. My amendment offsets that cost to the federal government by cutting administrative expenses dedicated to running the program this amendment would suspend.

What kind of energy is covered in the loan guarantees?

\$18.5 billion for nuclear power plants.

\$4 billion for uranium enrichment plants.

\$8 billion for non-nuclear technologies; probably coal.

\$2 billion for unspecified projects.

\$1.183–\$3.0 billion for renewable energy and energy efficiency.

TAXPAYERS FOR COMMONSENSE, ACTION,  
June 5, 2012.

DEAR REPRESENTATIVE: Together we urge you support the amendment offered by Reps. Kucinich (D-OH) and McClintock (R-CA) amendment to stop the Department of Energy (DOE) Loan Guarantee Program from issuing any new loan guarantees in FY 2013. Created in Title 17 of the 2005 Energy Policy Act, the DOE Loan Guarantee Program has received increased scrutiny with the recent default of a loan guarantee to the solar start-up company, Solyndra. Taxpayers stand to lose \$500 million on the failed solar project and billions more could be lost if the program continues in its current form.

The Government Accountability Office (GAO), the DOE Inspector General, and many others have been critical of the existing loan guarantee effort. Recently the GAO found that DOE could not even provide comprehensive information on the current loan guarantee applicants and commitments, and a recent review commissioned by the White House found the program was not proactively protecting the taxpayer or providing for a reasonable prospect of repayment.

A recent audit of the Loan Guarantee Program by the Office of the Inspector General found that the program, “could not always readily demonstrate . . . how it resolved or mitigated relevant risks prior to granting loan guarantees.” This creates serious concern for taxpayers that the financial terms of the loans are not being judiciously decided. Furthermore, loan guarantees provided under Title 17 guarantee 100% of a loan for up to 80% of the project cost—leaving taxpayers to shoulder far too much of the project risk. Adding insult to injury, the little protection taxpayers did have in the event of project default was undermined in 2009 when DOE weakened the original statute.

With hundreds of billions in bailouts already on the shoulders of US taxpayers, the country cannot afford to continue a program that could easily become a black hole for tens of billions in new defaults. We urge you to support the Kucinich-McClintock amendment to stop new loan guarantees from the troubled DOE Loan Guarantee Program!

Sincerely,

TAXPAYERS FOR COMMON  
SENSE ACTION,  
NATIONAL TAXPAYERS  
UNION,  
AMERICANS FOR  
PROSPERITY,  
FRIENDS OF THE EARTH,  
NONPROLIFERATION POLICY  
EDUCATION CENTER,  
COMPETITIVE ENTERPRISE  
INSTITUTE,  
FREEDOM ACTION,  
PHYSICIANS FOR SOCIAL  
RESPONSIBILITY.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

□ 1950

Mr. FRELINGHUYSEN. Mr. Chairman, I strongly oppose this amendment. It would put in jeopardy thousands of jobs in our energy sector. The types of projects it would jeopardize are entirely different than Solyndra. If the Member wants to reduce the risk of losing taxpayers' dollars, he should look towards the 1705 program, which has already lost over half a billion dollars to risky loans.

This may be a convenient attempt to paint some of these potential loan guarantees with a Solyndra brush, but it just doesn't wash. The companies requesting these loan guarantees are not startups with shaky financial records, but neither are they large enough to have enough capital to fully pay for such massive projects. The loan guarantees help them leverage their capital in a reasonable manner to ensure that the benefits of these technologies can be shared by millions of Americans.

I urge Members to vote “no” on this amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, I would simply also state my objection to the gentleman's amendment.

I appreciate the concerns he expressed, especially for those projects that may not make economic sense. If in those cases the gentleman is correct, there should be no loan guarantee offered. Having said that, for those programs that are in the queue that are under consideration that make sense and move our energy policy forward, we ought not to prohibit them from doing so by passing this amendment this evening.

I yield back the balance of my time.

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

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

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to provide new loan guarantees or loan guarantee commitments under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16515).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mrs. BLACKBURN. Mr. Chairman, since 2009, the Department of Energy has used title 17, and specifically 1705—section 1705—to create a government-run venture capital firm using taxpayers' hard-earned funds. Unfortunately, in this zero-sum game being played and led by this administration, American taxpayers have continually ended up on the short end of the stick as we have watched companies like Solyndra, Beacon Power, and others lose hundreds of millions of taxpayer dollars.

Through section 1705, DOE has closed transactions that guarantee approximately \$16.15 billion of loans for renewable-energy projects through a policy of acceleration implemented by Secretary Chu.

With 82 percent of all funding within section 1705 going to solar projects, it appears that even in the field of renewable energy this administration has a very aggressive policy of picking winners and losers.

Throughout the program, there have been countless red flags raised by career DOE staff about the financial viability of firms looking for taxpayer funding, as was the case with Solyndra. Many of us have been around solar power for years. We have watched it go through many stages of development; And while many of these companies have great ideas, they are just not ready for prime time.

The high level of frustration with the loan guarantee program is not only being felt by taxpayers, but by companies who have also tried to go through the loan guarantee process. This amendment should send a clear signal to the Senate, to DOE, and to the administration that we have truly grown ill and fatigued with the mismanagement of the loan guarantee program and that we do not want any funding put into section 1705 in fiscal year 2013 through the appropriations or through any other vehicle.

I ask my colleagues for their support as we close the door on the Solyndra debacle.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mrs. BLACKBURN. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We are prepared to accept her amendment.

Mrs. BLACKBURN. I thank the chairman for the acceptance, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mrs. BLACKBURN).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. BLACKBURN

Mrs. BLACKBURN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 1 percent.

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Tennessee (Mrs. BLACKBURN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Tennessee.

Mrs. BLACKBURN. I want to thank the committee for its hard work in identifying ways to cut spending in this appropriations. The fiscal year 2013 proposed funding level is \$32.1 billion. Now, that is \$965 million below the President's budget request. But, Mr. Chairman, there is a lot more that can be done; and thereby I again am making the request that we make an additional 1 percent across-the-board spending reduction which will save taxpayers an additional \$321 million.

Now, I am fully aware that as I come with these amendments for each of our appropriations bills, I hear about how these cuts are too deep, they are going to have too far of a reach, they are damaging our national security, they are going to cut things that are important to our life and our property. And imagine that—we are asking the bureaucracy to go in and shave one penny out of a dollar—one additional penny out of a dollar—in order to help put our Nation back on a track to fiscal sanity.

As I've said before, across-the-board spending cuts effectively control the growth and the cost of the Federal Government. They not only give agencies flexibility to determine which expenses are necessary; but, more importantly, they do not pick winners and losers. Not only do I support the use of across-the-board spending cuts, but so does former Governor Mitt Romney, Governor Chris Christie, Governor Rick Perry, Governor Mitch Daniels, Governor Brian Schweitzer, and Governor Christine Gregoire, just to name a few of the Nation's chief executives of their States.

In the chairman's own State of New Jersey, I would like to point out Governor Christie's statement. Now, this was November 7, 2010 on "Meet the Press." Governor Christie said:

In New Jersey what we did was we cut spending in every department, a 9 percent cut in real spending, not projected spending, real spending year over year.

That is because these work. And Indiana Governor Mitch Daniels took the State's 2-year budget. He enacted that budget in June, and he cut most agency spending by 10 percent from the previous budget.

□ 2000

And we hear about Indiana being on the road to fiscal health.

Then former Governor Mitt Romney has said, as President, Mitt Romney

will send Congress a bill on day one that cuts nonsecurity discretionary spending by 5 percent across the board.

Governor Rick Perry, starting in January 2010, we asked them to identify 5 percent savings in the 2010-11 biennium, and 10 percent for the '12 and '13 biennium. The point, Mr. Chairman, it works. Across-the-board cuts work. We know that. The Governors know it.

The American people have really grown so tired of this wasteful Washington out-of-control spending. They want to see cuts made. Let's do this for our children and grandchildren. Let's cut one penny out of every dollar and have the bureaucracy do exactly what our small businesses are doing every single day—sitting down, making cuts, figuring out how they're going to handle very difficult economic times.

I ask for the support.

I yield back the balance of my time. Mr. FRELINGHUYSEN. I rise to seek time in opposition, Mr. Chairman.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to this amendment. Our bill already cuts \$1 billion from the President's request. We're below 2009 levels. While difficult trade-offs had to be made, the bill, in its current form, balances our needs. We prioritize funding for essential activities and cut out new spending on poorly performing programs. Yet the gentlelady's amendment proposes an across-the-board cut on every one of these programs.

With all due respect, and she's extremely knowledgeable, that's not the way that Governor Christie does it in New Jersey. He takes a look at each program, considers its merit, considers whether it's a proper investment in infrastructure, whether it will promote jobs.

And yet unlike, perhaps, the State budget, we're responsible for nuclear security, for our nuclear stockpile, national security needs.

This is not the way to approach budget cutting. I urge the committee and the House to reject this amendment.

I yield back the balance of my time. Mr. VISCLOSKEY. I move to strike the last word.

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

Mr. VISCLOSKEY. I want to add my voice to the chairman's in opposition.

The gentlewoman talked about a 1 percent cut. I would point out that several years ago this Nation spent more money on water projects in one city than we did on every water project in the United States of America. The city was New Orleans, because we didn't make the proper investment up front.

I don't think we should risk losing one life. And I would acknowledge that we have already reduced the Corps' budget from existing year level by \$216 million.

We have at least a third of the har-

dredged to depth. Every time a ship comes in or leaves that is not fully loaded, there is a job that is lost, one job or more. There is \$1 of profit for that shipper, for that company, or more that is lost. Those are the numbers I'm worried about.

I strongly oppose the gentlewoman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN).

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

Mrs. BLACKBURN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Tennessee will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The Clerk read as follows:

Page 56, after line 24, insert the following new section:

SEC. 510. None of the funds made available by this Act for "Department of Energy; Energy Programs; Science" may be used in contravention of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.).

The Acting CHAIR. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I hope that my appreciation to the ranking member and the chairman is evidenced by hoping to offer an amendment that is a reflection of the time that I served on the Science Committee for 12 years, and now almost a decade plus on Homeland Security.

When we speak about jobs, we understand that jobs are equated to education, and the education that is the key of today in the 21st century is science, technology, engineering, and math.

I had the privilege of participating in one of the largest robotic competitions among students from around the world, hosted in Houston, Texas, sponsored by the Harmony School. It was amazing, Mr. Chairman, to see the outstanding and talented young people, particularly from the United States, but hosting individuals from around the world. The camaraderie, the collegiality around not war but peace and how to use science, technology, engineering, and math to improve the quality of life of all who live in this world was amazing.

But more importantly, as we look to America and the creation of jobs, we must create a new generation of inventors knowledgeable about science,

technology, engineering, and math similar to what NASA did in inspiring young people to go into physics, biology, chemistry, and a variety of sciences, all desiring to be astronauts, many of whom became medical doctors.

Now, as we begin to look at regaining our manufacturing prowess, science, technology, engineering, and math are key. The United States economic base has shifted from the manufacturing of durable goods to processing and analyzing information.

In this information-driven economy, the most valuable assets are human resources in science, technology, engineering, and math. But, in addition, manufacturing can be bolstered by science, technology, engineering, and math. It is so important, then, to ensure that we prepare the next generation.

This amendment is simply a restatement and an affirmation of the importance of the fact of the Department of Energy energy programs, science, and that we reinforce the value of these programs. I have seen it firsthand. I am promoting, and many Members as well, science, technology, engineering, and math in their particular communities.

The National Assessment of Educational Progress, the Nation's education report card, shows that fewer than 40 percent of students at every grade level tested are proficient in math and science. In 2006, only 4.5 percent of college graduates in the United States received a diploma in engineering.

So I ask my colleagues to just reinforce our commitment to job creation; to science, technology, engineering, and math; to inventiveness; to world peace; to the collaboration of young people in this generation moving forward to make a better quality of life for all who are in this world.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I would be happy to yield to the gentleman.

Mr. FRELINGHUYSEN. We are prepared to accept your amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman very much, and I thank the committee for its work.

I ask my colleagues to support the amendment.

I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment will protect funds provided for Science under Title III of the Department of Energy's Energy Programs. This amendment addresses the need to increase programs that educate minorities in science, technology, engineering and mathematics (STEM), as well as, the need to train teachers and scientists in advanced scientific and technical practices.

As a former Member of the Committee on Science, Space, and Technology, I recognize the importance of developing a highly skilled technical workforce. Over the last 50 years, there have been major changes in the United States in terms of both the economy and the population.

The economic base has shifted from the manufacturing of durable goods to processing and analyzing information. In this information-driven economy, the most valuable assets are human resources. Therefore, in order to compete successfully in the global economy, the U.S. needs citizens who are literate in terms of science and mathematics, and a STEM workforce that is well educated and well trained (Friedman 2005, National Academy of Sciences 2005, Pearson 2005). Consequently, we cannot—literally or figuratively—afford to squander its human resources; it is imperative that we develop and nurture the talent of all its citizens.

The jobs of tomorrow will require workers who possess strong advanced science, engineering and math backgrounds. Other countries are training and educating their citizens in these areas and we must do the same. By investing in the scientific advancement of our workforce and our youth, we are investing in our future . . . we are investing in greater job opportunities for Americans. This investment is the only way to address the increasing knowledge gap between our nation's workforce and those of our international counterparts. We must invest in our citizens. My amendment will ensure the funds that have been made available will be utilized for that purpose.

PROGRAM 1: WORK FORCE AND DEVELOPMENT PROGRAMS FOR TEACHERS AND SCIENTISTS

The work force and development program for teachers and scientists is vital to ensure that we have an adequate amount of properly educated and trained teachers and scientists. Under H.R. 2354, workforce development for teachers and scientists is funded at \$17,849,000, which is \$4,751,000 below the fiscal year 2011 level, which is a devastating \$17,751,000 below the President's requested amount. This is a draconian cut which will have drastic effects on an already struggling workforce. My amendment would ensure that the amount provided to this program would remain intact.

The workforce development program for teachers and scientists provides funding to graduate fellowship programs which train and develop our Nation's top scientists, engineers, and teachers. These individuals go on to become researchers and innovators—contributing to American business and, moreover, the U.S. economy. Fellowship programs like these are exactly what our country needs in order to develop a highly skilled technical workforce.

As we have heard time and time again in many different contexts, our country suffers from a shortage of scientists and engineers. Moreover, our country is dealing with a lack of qualified instructors, at all levels—elementary, secondary, and post-secondary—to teach STEM subjects—science, technology, engineering, and mathematics.

The United States faces a critical shortage of highly qualified mathematics and science teachers, we will need an additional 283,000 teachers in secondary school settings by 2015 to meet the needs of our Nation's students. This qualified teacher shortage is particularly pronounced in low-income, urban school districts. As BHEF reported in A Commitment to America's Future: Responding to the Crisis in Mathematics and Science Education, high teacher turnover in conjunction with increasing student enrollment and lower student-to-teacher ratios will cause annual increases in the

mathematics and science teacher shortage culminating in a 283,000-person shortage by 2015.

Fewer American students than ever are graduating from college with math and science degrees. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore.

The problem is systemic. According to the National Center for Education Statistics, about 30% of fourth graders and 20% of eighth graders cannot perform basic mathematical computations. Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy. If this trend continues, there will be dire consequence for our children and our economy.

To be sure, in order to train and develop the amount of scientists, educators, and teachers of STEM subjects that our country needs, we would really need more of these graduate fellowship programs. As reflected in the budgetary request, which H.R. 5325 fails to meet, an increased number of graduate fellowships would be ideal to invest in our future.

At the very least, we would want to keep the same amount of graduate fellowships available. Unfortunately, the proposed amount appropriated to these programs under H.R. 2354 ignores the current shortage of scientists and teachers, and irresponsibly ignores our future by providing for a lesser amount of graduate fellowships.

PROGRAM 2: SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM)

I have long recognized the need to improve the participation and performance of America's students in Science, Technology, and Engineering and Math (STEM) fields.

Traditionally, our Nation recruited its STEM workforce from a relatively homogenous talent pool consisting largely of non-Hispanic White males. However, this pool has decreased significantly due not only to comprising an increasingly smaller proportion of the total U.S. population but also to declining interest among this group in pursuing careers in STEM.

It is important to note that the need to improve the participation of underrepresented groups—especially underrepresented racial/ethnic groups—in STEM is not solely driven by demographics and supply-side considerations; an even more important driver is that STEM workers from a variety of backgrounds improve and enhance the quality of science insofar as they are likely to bring a variety of new perspectives to bear on the STEM enterprise—in terms of both research and application (Best 2004; Jackson 2003; Leggon and Malcom 1994).

The current state of STEM education is deplorable. In 2006 only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore. Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy. If this trend continues, there will be dire consequence for our children and our economy.

These numbers are discouraging, but the statistics on minority students in the STEM fields are even more alarming. In 2004, African American and Hispanic students were



among the least likely groups to take advanced math and science courses in high school. Even as African Americans, Hispanics, and Native Americans comprise an increasingly large portion on the population, they continue to be underrepresented in the science and engineering disciplines. Together, these three groups account for over 25% of the population, but only earn 16.2% of bachelor's degrees, 10.7% of master's degrees, and 5.4% of doctorate degrees in the science, math and engineering fields. This fact directly contributes to the unacceptable underrepresentation of African American and Hispanics in the STEM workforce. If we choose to continue to ignore this problem, we are not only short-changing our students' success, we will be giving up on our nation's future.

Many school districts across the nation have begun to recognize this problem and work towards a strategic solution. In my home district for example, several public schools and charter schools have started to allocate funds towards programs aimed at increasing STEM performance.

For example the Harmony Science Academy in Houston devotes an impressive amount of time and resources towards educating the city's youth in the sciences. Small class sizes, high expectations for students, and well-qualified teachers helped this school make it to Newsweek magazine's list of best high schools in America. Harmony Science Academy is a success story we can all be proud of. Unfortunately, schools like this are the exception and not the rule.

In many school districts there simply are not enough resources available to make our children science and math literate. There is a shortage of qualified teachers, many classes are woefully overcrowded and some schools just cannot afford the materials and books that students need in order to master basic math and science concepts. I cannot stand idly by while we fail to give our children the educational tools they need to succeed in life and gain employment.

This amendment recognizes the importance of equipping young minds with the technological and scientific knowledge necessary to compete in a globalized economy. Further, within the context of globalization, I strongly believe that this country's ability to achieve and maintain a high standard of living is dependent on the extent to which it can harness science and technology. Thus, in order to enhance the international competitiveness of the country, it is critical for us to promote and support students pursuing careers in STEM fields.

Mr. Chair, it is essential that we invest in a workforce ready for global competition by creating a new generation of innovators and make a sustained commitment to federal research and development. We need to spur and expand affordable access to broadband, achieve energy independence, and provide small business with tools to encourage entrepreneurial innovation.

The establishment and maintenance of a capable scientific and technological workforce remains an important facet of U.S. efforts to maintain economic competitiveness. Pre-college instruction in mathematics and scientific fields is crucial to the development of U.S. scientific and technological personnel, as well as our overall scientific literacy as a nation. The value of education in science and mathematics is not limited to those students pur-

suating a degree in one of these fields, and even students pursuing nonscientific and non-mathematical fields are likely to require basic knowledge in these subjects.

Mr. Chair, the United States has a great history of scientific innovation. From Ben Franklin to NASA to Silicon Valley, the success and competitiveness of America has always depended on the knowledge and skills in the STEM fields. Funding my amendment today will help ensure that the American legacies of intelligence, innovation, and invention continue. Today I urge my colleagues to support this amendment and invest in America's future.

#### FAST FACTS ON STEM—LIMITATION AMENDMENT

The Importance of STEM fields to the U.S. economy:

The U.S. economic base has shifted from the manufacturing of durable goods to processing and analyzing information. In this information-driven economy, the most valuable assets are human resources in science, technology, engineering, and mathematics fields.

In 2005, the National Academy of Sciences published a report entitled "Rising Above the Gathering Storm," which estimated that in the United States innovations generated by the Science, Technology, Engineering, and Mathematics (STEM) fields account for nearly half of the growth in gross domestic product.

More than 3 million job openings in STEM related fields will be created by 2018 that will require a bachelor's degree or higher (Georgetown Center on Education and the Workforce).

The Bureau of Labor Statistics reports that science and engineering occupations are projected to grow by 21.4% from 2004 to 2014, which is significantly higher than the projected growth of 13% in all other occupations during the same time period.

The Crisis in STEM education:

The National Assessment of Educational Progress (NAEP)—the Nation's education report card—shows that fewer than forty percent of students, at every grade level tested, are proficient in math and science.

In 2006, only 4.5 percent of college graduates in the United States received a diploma in engineering, compared with 25.4 percent in South Korea, 33.3 percent in China, and 39.1 percent in Singapore.

Today, American students rank 21st out of 30 in science literacy among students from developed countries and 25th out of 30 in math literacy.

At our current rate, the United States falls short of project workforce needs in the STEM fields by more than a million workers (National Science Foundation).

Underrepresentation of Minorities and Women in STEM fields:

Recent statistics provided by the Engineering Workforce Commission indicate a large disparity in STEM education between men and women, and between minorities and Caucasians.

African American and Hispanic students were among the least likely groups to take advanced math and science courses in high school.

Together, these three groups account for over 25% of the total U.S. population, but only earn 16.2% of bachelor's degrees, 10.7% of master's degrees, and 5.4% of doctorate degrees in the science, math and engineering fields.

The Acting CHAIR. The question is on the amendment offered by the gen-

tlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, last year the United States was pummeled by severe weather that destroyed land, homes, businesses, and even lives. Families living along the Missouri River endured another year of significant flooding that left them physically and economically underwater.

In the first half of 2012 alone, millions of American tax dollars have gone toward environmental restoration and recovery programs, while maintenance of our Nation's infrastructure has been neglected.

President Obama, in his fiscal year 2013 budget, requested more than \$90 million for the Missouri River Recovery Program, which would primarily go toward the funding of environmental restoration studies and projects.

□ 2010

This figure should alarm all of my colleagues.

In fiscal year 2012, the President requested \$70 million for this program. These are staggering increases from the \$50 million request that was seen in fiscal year 2008, and the Corps has little to show for its increased spending. Moreover, the fiscal year 2013 request dwarfs the insufficient \$7.8 million requested for the entire Bank Stabilization and Navigation Program from Sioux City to the mouth of the Missouri.

I do not take for granted the importance of river ecosystems. I grew up along the Missouri River, as did so many of the people I represent. Yet, we have reached a point in our Nation at which we value the welfare of fish and birds more than the welfare of our fellow human beings. Our priorities are backwards, Mr. Chairman.

This exact amendment passed by voice vote during the fiscal year 2012 appropriations consideration. It is supported by the American Waterways Operators, the Coalition to Protect the Missouri River, the Missouri and Illinois Farm Bureaus, and the Missouri and Iowa Corn Growers Associations, which propose a prohibition of funding

for the Missouri River Ecosystem Restoration Plan, or MRERP.

By the way, the end of the study will in no way jeopardize the Corps' ability to meet the requirements of the Endangered Species Act. MRERP is one of no fewer than 70 environmental and ecological studies focused on the Missouri River. The people who have had to foot the bill for these studies, many which take years to complete and are ultimately inconclusive, are the very people who last year lost their farms, their businesses, and their homes.

This amendment will eliminate a study that has become little more than a tool of the administration's and environmentalists for the promotion of the return of the river to its most natural state with little regard for flood control, navigation, trade, power generation, or the people who depend on the Missouri River for their livelihoods.

Our vote today will also show our constituents that this Congress is aware of the gross disparity between the funding for environmental efforts and the funding for the protection of our citizens. During the debate on fiscal year 2012 appropriations, the House passed by voice vote this exact language, which was ultimately signed into law by President Obama.

It is time for Congress to take a serious look at water development funding priorities, and it is time to send a message to the Federal entities that manage our waterways. I urge my colleagues to support this amendment and to support our Nation's river communities.

I yield back the balance of my time.

Mr. VISCLOSKEY. I rise in opposition to the gentleman's amendment.

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

Mr. VISCLOSKEY. Mr. Chairman, the WRDA bill 2007, which was passed with much bipartisan support, so much so that it overcame a Presidential veto, authorized the Corps to undertake the Missouri River Ecosystem Restoration Plan and to develop the Missouri River Recovery Implementation Committee to consult on the study. This authority provided a venue for collaboration between the 70 stakeholder groups of tribes, States, public interest groups, and Federal agencies to develop a shared vision and comprehensive plan for the restoration of the Missouri River ecosystem.

At this time, by prohibiting the Corps from expending any 2013 funds on the study and the committee, we would continue to delay that start. I believe this would be very shortsighted and would lead to a further erosion of trust in the delicate partnership in the basin. While the Corps will continue to comply with Endangered Species' requirements through other activities, I believe there is a role for a long-term plan for this basin. Again, I would 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 Missouri (Mr. LUETKEMEYER).

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

Mr. BERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ For an additional amount for "Department of Energy—Energy Programs—Energy Efficiency and Renewable Energy", as authorized by sections 131(c)(4), 131(d)(4), 135(j), 207(c), 229(d), 244(f), 246(d), 321(g)(2), 422(f), 439(e), 452(f)(1)(E), 495(d), 625(e), 641(p), 652(d), 655(k), 656(j), 703(b), 705(b)(4), 803(c), 805(e)(6), 807(c)(2), and 1303(c) of the Energy Independence and Security Act of 2007, sections 712(c) and 1008(f)(7)(A) of the Energy Policy Act of 2005, and section 399A(i) of the Energy Policy and Conservation Act, there is appropriated, and the amount otherwise made available for "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities" is hereby reduced by, \$10,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. For a number of years, Mr. Chairman—and to my colleagues, again, I thank the chairman and ranking member—I practiced energy law in the State of Texas.

For a number of years, I worked with advocacy groups that were crying out for an energy policy in this Nation, one that would respect the assets that we've been blessed with in this country. Texas is blessed with a number of assets, particularly wind and solar, as it has fossil fuel, shale—opportunities to ensure that America remains independent in the quest for energy independence.

My amendment recognizes the holistic approach to energy. In recognizing the various resources that our State has and many other States, it is a very, very small contribution, but an important contribution, for the Energy Efficiency and Renewable Energy program.

Whenever you speak to the multinationals, I will assure you that all of them have within their companies an emphasis or a section on the Energy Efficiency and Renewable Energy program. This is an essential office that invests in clean energy technologies, an office that is created to strengthen our economy and protect our environ-

ment. It works well simultaneously along with the other very important programs in the U.S. Department of Energy.

Under H.R. 5325, this development program fosters research, providing to innovators the funds and resources they need to develop energy-efficient equipment that can be used at home, by the construction industry, and in the transportation market. The main concept is that this can create jobs, that partnerships can create jobs. This program is designed to develop cost-efficient methods through the use of renewable energy practices for the home. Financial incentives are provided to builders that utilize methods that result in the reduction of energy use during construction, as well as to manufacturers within the transportation industry who research and design energy-efficient vehicles.

I have had the privilege of going through energy-constructed homes. What a unique difference. Builders across America are crying out for the opportunity to experiment with these very special, unique tools. I would ask my colleagues to consider the job creation aspect of renewable energy and the role that it plays in a holistic energy policy. I ask my colleagues to support this amendment.

Mr. VISCLOSKEY. Will the gentlelady yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Indiana.

Mr. VISCLOSKEY. I simply would voice my support for her amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, this amendment would risk our nuclear security activities in order to add unnecessary funding to energy efficiency and renewable energy programs.

Our bill preserves the funding for that account's highest priorities and those accounts that help advance American manufacturing and that help our companies compete globally and address soaring gas prices. Additional funding for Energy Efficiency and Renewable Energy is unwarranted, especially when it comes at the expense of national security. So I strongly urge my colleagues to vote against the gentlewoman's amendment.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I respect and thank the gentleman from Indiana very much, the ranking member, for his support of the amendment, and I thank him for his leadership.

I appreciate the chairman's commentary, but that is why I attempted to be very responsible and balanced.

□ 2020

This is a mere—though I take that word seriously—\$10 million. And let me tell you why it is enormously important. The U.S. Department of Energy report found that wind energy could supply 20 percent of the Nation's electricity by 2030. We're fast approaching that, which could entail 300,000 megawatts of new wind-generating capacity.

There are States throughout the United States that would have a great opportunity for increased job creation and businesses around wind capacity. Again, a holistic approach to energy. Nearly \$20 billion will be saved if the energy efficiency of commercial and industrial buildings improved by 10 percent.

As a member of the Homeland Security Committee overseeing the Homeland Security Department, I know we look at all aspects to secure our Nation. Energy independence, in spite of the fact of our diversity in resources, is extremely important. That's why I believe a holistic approach is crucial. This helps the holistic approach. As we continue in States that deal with fossil fuel, this is equally important. Thirty percent of energy in buildings is used inefficiently or unnecessarily. Ethanol is a clean renewable energy. It is helping to reduce our Nation's dependence on oil and offers a variety of economic, environment benefits.

Again, I'm not too unappreciative, if you will, of the diversity of energy in this country not to look at all aspects of it. And I do hope that we can have a holistic approach. I think this contributes to that holistic approach, taking into account all aspects of energy in a unified energy policy.

I ask my colleagues to support this amendment, and I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment provides to increase funds by \$10,000,000 for the Energy Efficiency and Renewable Energy Program.

The Energy Efficiency and Renewable Energy Program is an essential office that invests in clean energy technologies created to strengthen our economy and protect our environment.

Under H.R. 5325, this development program fosters research providing funds to innovators with the resource they need to develop energy efficient equipment that can be used at home, by the construction industry and in the transportation market.

This program is designed to develop cost efficient methods through the use of renewable energy practices for the home. Financial incentives are provided to builders who utilize methods that results in the reduction of energy use during construction, as well as, manufactures within the transportation industry who research and design energy efficient vehicles.

Providing additional funding to this program today only advances research that may one day result in a significant decrease in our dependence on energy from foreign sources that are hostile to U.S. interest. In addition, this

program will positively impact rising fuel prices affecting Americans across the country.

It is this research which will ultimately contribute to sustaining our economy by looking for domestic solutions to energy concerns thus reducing foreign dependency on highly consumed substances such as oil. Likewise it provides incentives to businesses taking initiatives to conserving energy by creating tools directly effecting solar, wind and water energy. Programs like these are vital to the Americans, in order to develop a highly skilled technical workforce to address current energy issues that have generational effects on our families and our land.

#### FAST FACTS

The U.S. Department of Energy's Building Technologies Program reduced energy costs for consumers and businesses by billions of dollars, as well as associated energy use and emissions, through setting minimum energy performance standards for appliances and commercial equipment.

To date, every Federal dollar spent has resulted in an average of \$650 in net savings, and has also helped spur product innovation. As of 2010, consumers and businesses have saved \$15 billion per year, and this annual amount is expected to nearly double by 2025.

Buildings use more energy than any other sector of the U.S. economy, consuming more than 70 percent of electricity and over 50 percent of natural gas.

A U.S. Department of Energy (DOE) report found that the wind energy could supply 20 percent of the Nation's electricity by 2030, which would entail 300,000 megawatts (MW) of new wind generating capacity.

Nearly \$20 billion would be saved if the energy efficiency of commercial and industrial buildings improved by 10 percent.

Thirty percent of energy in buildings is used inefficiently or unnecessarily.

Ethanol is a clean, renewable fuel. It is helping to reduce our Nation's dependence on oil and offers a variety of economic and environmental benefits. Today, on a life cycle basis, ethanol produced from corn results in about a 20 percent reduction in GHG emissions relative to gasoline. With improved efficiency and use of renewable energy, this reduction could be as much as 52 percent.

One hundred ten (110) manufacturers joining the Better Buildings, Better Plants Program to gain recognition and technical support from the U.S. Department of Energy (DOE). Demonstrated their commitment to energy savings by signing a voluntary pledge to reduce energy intensity by 25 percent over 10 years. These companies are implementing cost-effective energy efficiency improvements that reduce their bottom lines while enhancing U.S. competitiveness.

Household vehicle ownership has changed over the last six decades. In 1960, over 20 percent of households did not own a vehicle, but by 2010, that number fell to less than 10 percent. The number of households with three or more vehicles grew from 2 percent in 1960 to nearly 20 percent in 2010. Before 1990, the most common number of vehicles per household was one, but since 1990, the most common number of vehicles is two.

Starting in 1980, more than 50 percent of American households owned two or more vehicles.

The typical U.S. family spends at least \$2,000 a year on home utility bills. This

amount can be lowered by up to 25 percent by engaging in more efficient methods to save energy within the home.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

#### AMENDMENT OFFERED BY MR. LUETKEMEYER

Mr. LUETKEMEYER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None the funds made available by this Act may be used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009 (division C of Public Law 111-8).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. LUETKEMEYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. LUETKEMEYER. Mr. Chairman, last year, parts of the Missouri River basin faced some of the worst flooding in history. This devastation, combined with our dire financial climate and the aging waterways infrastructure, means that now, more than ever, we must be deliberative, focused, and responsible with taxpayer-funded projects and studies.

My amendment would prohibit funding for the duplicative Missouri River Authorized Purposes Study, also known as MRAPS. This amendment was passed by the House during both fiscal year 2011 and 2012 debates. MRAPS is a \$25 million earmark study that comes on the heels of a comprehensive \$35 million 17-year study completed in 2004.

Some may say that we need MRAPS to examine the causes and impacts of the 2011 flooding. That simply isn't the case. First and foremost, every member of the Missouri River basin is on record as supporting flood control as the most important authorized purpose. It's something that we take very seriously. The last thing we need is another 17-year, highly litigious study to tell us that flood control is important.

Thousands of Missouri River basin residents who lost their homes and businesses deserve action, not distraction. What we need to do is take legitimate steps that focus on protecting life and property and improving the safety and soundness of our flood-control system. It is also important to note that there are many commercial advantages

provided by our inland waterway system. The Missouri River plays an integral part in both domestic and international trade. MRAPS puts the uses of the Missouri and Mississippi Rivers in jeopardy, which could result in devastating consequences for navigation along both. That's why the Missouri waterways operators, the Coalition to Protect the Missouri River, the Missouri and Iowa Corn Growers Associations, and the Missouri and Illinois Farm Bureaus support this amendment.

This study is duplicative and wasteful of taxpayer dollars. On this exact issue, we've already spent 17 years and \$35 million on hundreds of public meetings and extensive litigation. Again, I offered identical language to the fiscal year 2011 continuing resolution. That amendment passed by a vote of 245 to 176. In the fiscal year 2012 debate, this exact amendment passed by a voice vote and was ultimately included in a package signed by the President. I appreciate my colleagues who offered their support and hope to have their support once again.

Mr. Chairman, there is no doubt in my mind that water resources receive too little funding. It is time for the Federal Government to refocus and reprioritize to create safer, more efficient infrastructure for our inland waterways and stop spending hard-earned taxpayer dollars unnecessarily.

I ask for my colleagues' support of this amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, my understanding is there is no money in the bill for this project, so I do not know why the gentleman is offering it. But I have no objection to it, and I yield back the balance of my time.

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

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

Mr. BERG. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 17 OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used by the Department of Energy to require grant recipients to replace any lighting that does not meet or ex-

ceed the energy efficiency standard set forth in section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, I rise to offer an amendment that would protect universities, nonprofits, and businesses who receive Federal grants from having to implement the light bulb ban. Even though the Department of Energy has been prohibited from carrying out the light bulb ban by last year's Energy and Water appropriations bill, and will in this bill as well in section 316 of FY12 omnibus appropriations bill, it however included a requirement that recipients of all Department of Energy grants in excess of \$1 million certify that they will replace all light bulbs in their facilities that do not meet the energy-efficiency standards instituted by the 2007 energy bill.

This requirement was driven by the Senate. The House passed a DOE spending bill that did not include a similar provision or debate and vote on this significant requirement. This is a particularly burdensome provision that in some ways goes well beyond the actual light bulb ban that prohibits manufacture and sale of 100 watt bulbs, and beginning in July 2013, 75 watt bulbs.

Rather than allowing the DOE grantees to replace bulbs as they burn out, this requirement forces small businesses and universities across the country to immediately replace existing light bulbs. This makes absolutely no sense. This forces extra costs on grant recipients and effectively means funds otherwise intended for actual research activities must instead be dedicated to purchasing new light bulbs to replace perfectly functional ones. This amendment allows the House to explicitly go on record opposing this unnecessary and burdensome requirement.

I encourage my colleagues to support this commonsense amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. CRAVAACK. I yield to the gentleman from New Jersey.

□ 2030

Mr. FRELINGHUYSEN. I am pleased to support the gentleman's amendment.

Mr. CRAVAACK. I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, I firmly believe that the issues that inspire Congress to enact energy efficiency standards in the Energy Policy and Conservation Act of 2007 have not changed and, if anything, they have gotten worse. Families continue to

struggle every day to meet rising energy bills, and there are real savings to be had by moving to more efficient illumination.

However, if this bill is going to carry a provision prohibiting the Department of Energy from implementing and enforcing the light bulb efficiency standards, then it does not make much sense to hold DOE grant recipients to the standard.

I surmise that most recipients of DOE grants who tend to be pretty energy savvy have already made the transition to light bulbs and are enjoying their energy savings as we in the House rehash and debate the exaggerated doubt of the incandescent light bulb. However, I do not oppose the amendment of the gentleman from Minnesota.

I yield back the balance of my time  
Mr. CRAVAACK. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR (Mr. CHAFFETZ). The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAVAACK

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to develop or submit a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund described in section 9505(c) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Mr. Chairman, in the Transportation and Infrastructure Committee last year, Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works, testified that the administration was preparing to expand the scope of projects eligible to receive Harbor Trust Fund monies. She alluded to the administration's interest in using the Harbor Trust Fund for port security, among other things.

While I support the funding of port security through appropriations, I oppose repurposing the Harbor Maintenance Trust Fund while our Nation's maritime infrastructure is in a state of disrepair. Eight out of 10 of the Nation's largest harbors are not dredged their authorized depths and widths.

Mr. Chairman, make no mistake: This has direct impact on American job creation and prosperity. When American ships have to light load to clear the shallowest channel, American economic productivity is lost.

For instance, every inch silted in the American Laker Fleet collectively, per voyage, leaves 8,000 tons of Minnesota

iron ore on the docks in Duluth. That's enough to produce over 6,000 cars.

Moreover, light loading causes increased transportation costs for our exports and decreases our national economic competitiveness. Every billion dollars in exports, Mr. Chairman, translates into 15,000 jobs.

We must, Mr. Chairman, ensure that the monies intended for dredging are not siphoned off for other programs. My amendment will prohibit monies from being used by the administration to develop a plan or draft legislation to expand the scope of projects eligible to receive Harbor Maintenance Trust Fund monies. American shippers are taxed specifically to maintain the channels they and our Nation depend on. It is imperative that we ensure that the Harbor Trust Fund monies be spent as they were intended, thereby ensuring American competitiveness and proliferation of American jobs.

I am thankful that the administration has dropped this misguided proposal in their budget proposal this year, but the only way to ensure that this doesn't return in a midnight rule is to prohibit the funding in this bill. I ask my colleagues to join me in supporting this amendment.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, while I agree with the gentleman from Minnesota that the moneys from the Harbor Maintenance Trust Fund should not be diverted from their intended purpose of dredging, I do think it is an overreach for the legislative branch to prohibit the executive branch from even discussing the topic. I do think we are in a position where looking forward we ought to let other branches of government talk about ideas and concepts so that they can be debated by this body.

Additionally, though, we all know that any proposal put together by the executive branch to expand eligible activities under the Harbor Maintenance Trust Fund without first addressing the surplus and addressing backlog issues would not be considered in either House of Congress.

Again, I do not believe particularly that the amendment is necessary. That being said, I do not oppose its inclusion in the bill.

I yield back the balance of my time.

Mr. CRAVAACK. Mr. Chairman, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. HARRIS

Mr. HARRIS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17337).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Maryland (Mr. HARRIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. HARRIS. Mr. Chairman, this amendment would prohibit the use of funds for many of the international projects in the Office of Energy Efficiency and Renewable Energy—that's EERE—including the President's plan to spend \$600,000 on "sustainable cities" projects in China and India. My amendment is identical to one I offered last year that was successfully adopted by this Chamber.

I would also like to congratulate the chairman of the committee for his own action regarding this issue. The chairman's bill reduces funding for EERE by \$428 million from last year's level. He makes the hard choices required to address our country's deficit and spending problems.

This amendment supports language in the report that accompanied the FY 2012 appropriations bill. In that report, the chairman was able to retain much of last year's amendment by directing the DOE to only fund projects that directly benefit the United States, such as increasing American energy self-sufficiency, furthering United States research efforts or reducing domestic pollution.

Unfortunately, the Department of Energy is failing to follow these clear instructions. Instead, they are choosing to spend money in China and India on foreign sustainable cities projects, even as we borrow money from China to pay our national debt.

Mr. Chairman, we must take great care how we spend our constituents' paychecks. I don't believe these projects make the best use of hard-earned taxpayer money. There are greater needs that remain unmet and a massive Federal debt and annual deficit that continues to drag down our entire economy, as was demonstrated in today's Congressional Budget Office report. I urge adoption of the amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Maryland. The amendment would essentially create an energy renewable program for the U.S.-Israel program by restricting

the EERE international program from dealing with any other country.

I certainly am a supporter of the country of Israel, and Israel has a vibrant and cutting-edge clean energy industry, but I do not believe that we ought to limit this program to one country out of many, and think that it would be a mistake to put all of our international program eggs into a single basket.

This program, which directly supports the mission of the Department to advance the development and deployment of clean energy technologies, needs to be able to establish relationships with multiple partner countries in order to be effective.

□ 2040

The program's technical assistance activities help to prime markets for us for clean technologies in major emerging economies. The program can bring home lessons learned from others' experiences to share with national, State, and local authorities. The program can also promote U.S. national security and potentially reduce price volatility of fossil energy resources by decreasing the influence of oil-exporting countries and mitigating world demand for oil.

Again, this is an excellent program. I do not believe it ought to be simply limited to one country. I am opposed to the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BURGESS

Mr. BURGESS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, before the short title, insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used—

(1) to implement or enforce section 430.32(x) of title 10, Code of Federal Regulations; or

(2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(i)(1)(B)) with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. The passage in this House back in 2007 of the Energy Independence and Security Act was something that has caused a great deal of difficulty across the country. I have heard from tens of thousands of my constituents on how that language will affect their lives and take away consumer choice for what kind of light bulbs they will use in their home. Mr. Chairman, they are exactly right.

When the government passed energy efficiency standards in other realms over the years, they never went as far as they did this time. They lowered standards drastically. It's now to a point where the technology is, honestly, years off in making light bulbs that are compliant with the law and actually affordable by the consumer.

Light bulb companies have talked about their new bulbs that are compliant with the existing law and that are available now, but at what price? A four-pack of 100-watt incandescent bulbs in my district cost \$2.97 at a hardware store last December 31. Now a single bulb will cost \$20, \$30, \$40—even \$50.

Opponents to my amendment say that the 2007 language does not ban the incandescent bulb. Well, that's partly true, but it bans the sale of the 100-watt incandescent bulb, and soon the 60-watt and 45-watt bulbs will follow suit because they cannot meet the energy standards supplied in the underlying legislation. The replacement bulbs are far from economically efficient, if indeed they are energy efficient.

But here's the deal. We shouldn't be making these decisions for the American people. Let them decide how much energy they want to consume and how many dollars they want to spend on kilowatt hours every month, not the Federal Government. A family living paycheck-to-paycheck can't afford to replace every bulb in their house at \$25 a pop, even if it will last them 20 years.

This exact amendment was passed last year on this appropriations bill by a voice vote. It was signed into law by President Obama. It allows consumers to continue to have a choice and a say as to what they put in their homes. It's common sense. Let's give some relief to American families, at least until replacement light bulbs can be marketed at a price that is reasonable.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. VISCLOSKY. I would point out to my colleagues that this debate is not about choice—or energy efficiency, for that matter. It is about, from my perspective, endangering American jobs and, specifically, American manufacturing jobs.

We have a significant trade imbalance in this country. Given that American manufacturers have committed to following the law regardless of whether or not it is enforced, the only benefit to this amendment is to allow foreign manufacturers who may not feel a similar obligation to export non-compliant light bulbs that will not only harm the investments made by U.S. companies but place at risk U.S. manufacturing jobs associated with making compliant bulbs.

Further, I believe they represent a tax increase. It represents an equiva-

lent of a \$100 tax on every American family—\$16 billion across the Nation—through increased energy costs.

The performance standards for light bulbs were established in the Energy Independence and Security Act of 2007. At that time, the bill, as I pointed out in an earlier portion of this debate, enjoyed such strong bipartisan support that we were able to override a Presidential veto of that act. As far as I'm aware, the issues that inspire this standard have not changed, and I would argue have gotten worse.

It is a common misunderstanding that the Energy Independence and Security Act bans the incandescent light bulb and requires people to have the limited choice of only a compact fluorescent bulb. This is not true. It simply requires that they be more efficient. And I do not see what the harm is in that.

Further, while claiming that the incandescent bulb is dead makes for a great sound bite, it does not reflect reality.

I am opposed to the gentleman's amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TIPTON

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

The Acting CHAIR. The Clerk will report the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to conduct a survey in which money is included or provided for the benefit of the responder.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TIPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TIPTON. Mr. Chairman, I rise today to offer an amendment aimed at ending an egregious practice of wasting taxpayer dollars in this time of mounting Federal debt. This amendment specifically aims to eliminate the Federal Government's recent practice of sending out cash to encourage survey responses favorable to agency goals. I wholeheartedly agree with the general need for public input in our government, but the practice of sending out American taxpayer dollars to encourage public participation, or worse, to buy public support where it might otherwise be lacking, is a symbol of the lack of accountability and how out of touch our Federal Government has become.

For generations, the Bureau of Reclamation has served the Western United States well. Its dams, reservoirs, canals, and hydro-powered turbines have formed the backbone of our

communities and provided abundant water and emission-free energy. This was all based on ratepayers paying for almost every cent of these projects at no expense to the taxpayers. Yet that mission is changing, and this couldn't be a better example of just how out of touch the agency has become under this administration.

At issue here is the so-called survey aimed at soliciting local, regional, and national input on the societal need to remove four privately owned dams on the Klamath River. The survey was mailed to 1,000 households in California, Oregon, and selected households in the rest of the Nation. Each of these households received a postcard telling them that the survey was coming. Then a large packet with the survey arrived. In each packet a cover letter, a postage paid return envelope, a survey, and a \$2 bill was included to entice the people to respond. That's \$22,000 of American taxpayers' money being spent.

To those who did not respond but kept the \$2 bill anyway, a Federal Express or priority mail package was sent out. This was sent to 1,245 people, out of which 286 responded.

□ 2050

Each of these 286 respondents was then given \$20, which means that \$5,720 of additional taxpayer dollars was spent, not including the cost of the FedEx or Priority Mail. Only the Federal Government would further reward people for not responding the first time.

Let's take a look at some of the responses that the Bureau of Reclamation published in a report earlier this year:

"Another waste of taxpayer money," one said.

"No wonder the U.S. is having money problems if the government has extra \$2 bills to mail out randomly," said another.

"Wow, what a waste of time. I have neither the time or interest in something I have not a clue about happening clear across the country. Sorry. P.S. Thanks for the 2 bucks," yet another wrote.

In all fairness, there were some positive responses. But, I think this comment says it best:

"Send me no more. Thank you."

And that's what this amendment does, Mr. Chairman. It simply prohibits the Bureau of Reclamation and other agencies covered under the legislation from funding a survey in which money is included or provided for the benefit of the responder. It doesn't say that the Federal Government can't have public input or send out surveys, which is necessary to the process. It simply says no more giving away taxpayer dollars.

The above amounts may not seem a lot in this day of trillion-dollar budgets, but it is symbolic of the waste and abuse going on here.

To make matters worse, the Bureau of Reclamation has yet to fully answer



and comply with a request made months ago by Natural Resources Chairman DOC HASTINGS and the Water and Power Subcommittee Chairman TOM MCCLINTOCK that is aimed at answering the rationale about the survey, the overall cost of this survey, and why taxpayer dollars were included. The American people deserve answers. They deserve transparency that apparently this administration will not give. In the interim, however, they deserve to know that their government will not be sending out their hard-earned tax dollars on a dam removal survey by an organization that was once dedicated to building dams.

I urge my colleagues to end this blatant waste of taxpayer fraud and abuse by supporting this amendment, and I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chair, I move to strike the last word.

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

Mr. VISCLOSKY. I am happy to accept the gentleman's 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. TIPTON).

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

Mr. TIPTON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities", and increasing the amount made available for "Corps of Engineers—Civil—Department of the Army—Operation and Maintenance", by \$52,000,000.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I again ask my colleagues to support this amendment because anyone who has lived near a port understands what the Army Corps of Engineers is going through. We spend our time working with the Corps on this issue of dredging. In every port in the

United States, millions of dollars are lost because of the inability of access and the difficulty of making sure that our Nation's ports are ready for the increase in business.

The Transportation Institute Center for Ports and Waterways indicated, analyzing the direct economic effects of channel restrictions and the loss of 1 foot of draft from the Houston ship channel, as an example, and the data was collected from the years 2008 and 2009, the study determined that a direct economic impact of the loss of 1 foot over 2 years amounts to \$373 million. This, in fact, is an account that has been authorized, as evidenced by the Army Corps, which deals in particular with the Department of Army Operations and Maintenance. This infusion is to assist in making sure that jobs are saved and jobs are created.

The study does not consider other effects that are very real but are extremely difficult to measure, but they can measure what the lack of dredging can bring about. I would make the argument that in ports that are competing with world ports, accessibility is crucial.

I ask my colleagues to be reminded that we are in the business of creating jobs. It seems ridiculous that we cannot add to an existing account to create jobs, to assist in one of the largest ports in the Nation, ports along the west coast, ports along the gulf, and ports along the east coast, all ports that are engaged in receiving large vessels that are bringing in goods and large vessels going out with manufactured and other goods from the United States of America.

I ask my colleagues to support this amendment, and I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. Does the gentleman continue to reserve his point of order?

Mr. FRELINGHUYSEN. Yes, I do.

The Acting CHAIR. The gentleman reserves.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise to oppose the gentlewoman's amendment.

As I've said many times, I, too, am concerned about sufficiently maintaining our waterways. These waterways contribute significantly to our national economy by providing a means of cost-efficient cargo transportation. To this end, our bill funds the operations and maintenance account at \$2.5 billion, an increase of \$109 million above the President's budget request and \$95 million above fiscal year 2012.

I would remind the gentlewoman that under the earmark ban, the final bill cannot include funding to a specific project in an amount above the President's budget request.

Instead of increasing funding for specific projects, our bill includes additional funding for categories of ongoing projects—including an additional \$189

million for navigation dredging—with final project-specification allocations to be made by the administration. The project my colleague is interested in would be eligible to compete for this additional funding.

As an offset, this amendment strikes funding for the modernization of our nuclear weapons stockpile and its supporting infrastructure. Ensuring adequate funding to maintain our nuclear weapons is my highest priority for our bill. The increases provided in this bill for nuclear security have received strong bipartisan support.

This amendment unacceptably strikes funding for both of these priority investments, which are both urgent and overdue. I strongly urge my colleagues to make defense a priority and vote "no" on this amendment, and I yield back the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I raise a point of order against the amendment.

The Acting CHAIR. The gentleman may state his point of order.

Mr. FRELINGHUYSEN. The amendment proposes to increase an appropriation not authorized by law, and therefore is in violation of clause 2(a) of rule XXI.

Although the original account funding for the Corps of Engineers—Civil—Department of Army—Operations and Maintenance is unauthorized, it was permitted to remain in the bill pursuant to the provisions of the rule that provided for the consideration of this bill. When an unauthorized appropriation is permitted to remain in a general appropriations bill, an amendment merely changing that amount is in order, but the rules of the House apply a "merely perfecting standard" to the items permitted to remain and do not allow the insertion of a new paragraph—not part of the original text permitted to remain—to increase a figure permitted to remain.

I would further say the account contains funding for projects not entirely authorized.

The amendment cannot be construed as merely perfecting, and therefore, Mr. Chairman, I ask that the Chair rule the amendment out of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Ms. JACKSON LEE of Texas. Mr. Chairman, I do.

The Acting CHAIR. The gentlewoman is recognized on the point of order.

Ms. JACKSON LEE of Texas. I thank the gentleman from New Jersey for his expression. What I would argue is: What are Members here to do?

I would vigorously disagree this is an earmark. I believe there is authorization, in particular under operation and maintenance. But the dilemma that the gentleman is making an argument on is whether or not you can increase it versus reducing it. And so what my argument is is that this is a general increase to operation and maintenance

with no specific tie to indicate that it is an earmark.

□ 2100

There is no monetary benefit to me as a Member of Congress, publicly stated on the floor of the House. Therefore, this is to increase millions of jobs in America, in ports around America, for an issue that is devastating to ports and that the Army Corps of Engineers is being overwhelmed, that is, the requirement of dredging. Dredging equals allowing the quality of vessel to increase by tonnage, to bring in and take out goods that Americans have manufactured and goods that Americans are seeking to import with our allies and trading partners.

It is to increase jobs. Therefore, I'd make the argument that we are bound by rules that have nothing to do with earmarks if you are, in essence, placing funding into existing accounts to help Americans—all of America—and to build our ports—all of our ports—making them more secure and making them more accessible so that the goods of Americans can go to and fro, and that jobs can multiply.

If one port alone, by one foot of inaccessibility, lack of dredging, loses \$373 million, multiply that by the number of major ports in the United States from the East to the southern coastline to the west coast. I make the argument that this is an amendment that can stand on its own and should not be subject to a point of order.

I ask my colleagues to support the amendment.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The proponent of an item of appropriation carries the burden of persuasion on the question whether it is supported by an authorization in law. Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law. For example, the manager has stated that the account contains funding for unauthorized projects and the Chair would note that some items appropriated in the Operation and Maintenance account are not modified by the phrase "as authorized by law."

Under the precedents of July 12, 1995, and July 16, 1997, an amendment adding matter at the pending portion of the bill to effect an indirect increase in an unauthorized amount permitted to remain in a portion of the bill already passed in the reading is not "merely perfecting" for purposes of clause 2(a) of rule XXI. The Chair is therefore constrained to sustain the point of order under clause 2(a) of rule XXI.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used for the U.S. China Clean Energy Research Center.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, my amendment would prevent any funds in this bill from being spent on the U.S.-China Clean Energy Research Center.

Our Department of Energy is using our taxpayer dollars to help China to develop their energy systems. This specific expenditure is \$37.5 million over 5 years. China should be spending their own money for developing their own energy systems.

With the miserable shape of our budget and our economy, the last thing we should be doing is depleting our resources to help the Chinese become more efficient and thus more competitive. We are borrowing money from Communist China, paying interest on that money, and then turning around and subsidizing the development of a high-tech manufacturing sector in China that will take away more American jobs. This is as nutty as it gets.

The Department of Energy is helping the Communist Chinese to build electric vehicles. Over the next 20 years, the electric vehicle industry may well be creating 130,000 up to maybe 350,000 American jobs. As of 2010, 30,000 Americans are already working in the electric vehicle and advanced battery industries. Tesla Motors in my State is already doing it. Why are we spending our tax dollars to put these jobs in jeopardy by improving the Chinese ability to build such cars? Why does our government want to ship jobs to China and subsidize the effort?

The Clean Energy Research Center also shares American know-how with China in advanced coal technology. The global value of electricity generated using clean coal technologies was \$63 billion in 2010 and by 2020 will reach \$85 billion. U.S. companies have the potential to capture the global market and can sell American-designed and -built technology to China, but if we give the Chinese access to our research now, our lead in this area will be undercut. Why are we undercutting ourselves?

Last month, the U.S. Department of Commerce announced anti-dumping tariffs on Chinese companies for unfair trade practices regarding solar panels. Sixty-six Chinese producers were named, which suggests this is a concerted effort to undermine the United States market.

In 2011, the U.S. imported over \$3 billion worth in Chinese panels, and since 2001 our share of the global market in these panels has shrunk from 27 percent to just 5 percent. Over 100,000

American jobs depend directly or indirectly on the success of the U.S. solar industry. Why are we subsidizing the Chinese development of this technology?

China is not playing by the same rules that we're playing by. The Office of the National Counterintelligence Executive released a report last year which states:

Chinese actors are the world's most active and persistent perpetrators of economic espionage.

Among the technologies which they have the greatest interest in is stealing. And what they're interested in stealing is the cutting-edge energy technologies that we are developing with our expertise.

Let's stop paying the Chinese to give them access to our best scientists, research centers, and technology. They are already stealing enough intellectual property to enhance their own economic and military power. They are robbing us blind, but we are not blind. This is happening right in front of our face. America's high-tech industry—whether in energy, aerospace, or any other kind of manufacturing—should be way out in front of the competition. Why are we helping China close that gap?

This amendment would put a stop to over \$7 million annually that is being used to bolster the efforts of our Chinese adversary. Transferring technology or funds to help develop that technology to a strategic rival makes no sense whatsoever. I urge my colleagues to support my amendment and put an end to it.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I certainly share some of my colleague's concerns. We should not be sending Department of Energy funding overseas if it doesn't benefit our citizens or it undermines our own competitiveness. But we cannot assume that all international cooperation is objectionable. The research the gentleman's amendment would eliminate is both a proper role for Federal funds and directly benefits America.

Let me first point out these research centers are not a donation to China. They are funded in equal parts by China and the United States. They actually support three consortia centered at West Virginia University, the University of Michigan, and Lawrence Berkeley National Lab in his own home State. They fund research at seven American national laboratories, five American universities, and 40 American companies, institutes, and other organizations. There's nothing nutty about that, Mr. Chairman.

I certainly share the concerns that we keep intellectual property and manufacturing here at home. To address

these concerns, these research centers signed agreements to protect American intellectual property while allowing us to take advantage of new joint discoveries. Eliminating these centers altogether would harm American researchers, American scientists, American innovation, and American job creation.

I oppose his amendment, and I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. ROHRABACHER. Well, I'll make this very quick.

We're not talking about all cooperation. I'm not opposed to all cooperation. I'm opposed to cooperation with the Adolf Hitlers of our day—the people who are murdering Christians and other religious people as we speak. No, we should not be cooperating with that government in developing their technologies, whether it's energy or otherwise.

□ 2110

All of these different groups that are cooperating with them, this is part of a group that also has research going on throughout our universities of the United States. That makes it even worse because you have Chinese nationals there who are taking as much of the information as they can and taking it back to China from our universities.

We should be opposed to this. Let's stand up for the American worker and what's right.

I yield back the balance of my time.

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

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

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I ask unanimous consent that the request for a recorded vote on the first amendment offered by the gentleman from Missouri (Mr. LUETKEMEYER) be withdrawn, to the end that the Chair put the question de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Energy or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum-Federal Fleet Performance, dated May 24, 2011.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, on May 24, 2011, President Obama issued a memorandum on Federal Fleet Performance that requires all new light duty vehicles in the Federal fleet to be alternate fuel vehicles, such as hybrid, electric, natural gas or biofuel, by December 31, 2015.

My amendment echoes the Presidential Memorandum by prohibiting funds in the Energy and Water Development and Related Agencies Appropriations Act from being used to lease or purchase new light duty vehicles except in accord with the President's Memorandum.

I've introduced a similar amendment to five different appropriations bills in the past, including last year's Energy and Water Appropriations Bill, and each time my amendment was accepted and passed by voice vote. My amendments have also been accepted to the Commerce, Justice and Science appropriations bill for FY 2013, and the Agriculture, Defense and Homeland Security appropriations bills for FY 2012.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. ENGEL. I yield to the gentleman.

Mr. FRELINGHUYSEN. We're prepared to accept your amendment again.

Mr. ENGEL. Thank you very, very much.

I just want to say, before I sit down, that this is truly a bipartisan effort. And I want to pay tribute to my good friend, the gentleman from Illinois (Mr. SHIMKUS) who has been working with me on this open fuel standard. We've introduced a bill, H.R. 1687, which requires 50 percent of new automobiles in 2014, 80 percent in 2016 and 95 percent in 2017, to be warranted to operate on nonpetroleum fuels in addition to or instead of petroleum-based fuels.

I want to just say that compliance possibilities include the full array of existing technologies, including flex fuel, natural gas, hydrogen, biodiesel, plug-in electric drive and fuel cell, and a catch-all for new technologies.

So I thank the gentleman from New Jersey for accepting this.

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. ENGEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the Department of Energy to subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) or to subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10 of the Code of Federal Regulations.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Florida (Mr. STEARNS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. STEARNS. I rise to offer an amendment on behalf of myself, Mr. SCALISE of Louisiana, Mrs. ADAMS of Florida and Mr. BROUN of Georgia.

My colleagues, this simple amendment will prohibit the Department of Energy from using any funds included in this bill to subordinate any loan obligation to other financing in violation of the Energy Policy Act of 2005. That was the original intent of Congress.

As chairman of the Energy and Commerce Committee's Subcommittee on Oversight and Investigation, I've led the investigation into the administration's rushed decision to loan Solyndra, a California-based solar panel manufacturing company, \$535 million in taxpayers' money that was ultimately lost.

During this investigation, it was uncovered that, shockingly, the Department of Energy knew as early as August 2009 that Solyndra would go bankrupt in September of 2011, but simply proceeded to risk more taxpayers' funds throughout that time.

The investigation also discovered that following meetings with outside investors, DOE made the unprecedented decision on December 10, 2010, to subordinate \$75 million of taxpayer money so more private capital could be injected into Solyndra.

Subordination gave private investors' money priority over taxpayers' money, meaning that, in the event of bankruptcy, private investors would be paid back before the taxpayers. But Secretary Chu wasn't allowed to subordinate the taxpayers' money.

As I mentioned earlier, the Energy Policy Act of 2005 states that DOE loan guarantees are not to be subordinated to other financing, and it was clear what the intent of Congress was.

In fact, DOE went out of its way to violate the will of Congress and sought the opinion of outside counsel on the legality of the subordination. And based upon this opinion, they made a decision to subordinate. And it all hinged on the word "is," the meaning of the word "is."

In a 17-page draft memo obtained by the Energy and Commerce Committee,

DOE's private attorneys, they seem to acknowledge that the law prohibits the subordination of Department-guaranteed funds. However, this draft memo was never finalized. Instead, an email was sent by a lawyer at the law firm stating that DOE's rationale for subordination was, "it makes the best possible case based on a reasonable interpretation supported by restructuring policy arguments."

Now, Secretary Chu also ignored important parts of the law. The law required the Energy Secretary to notify the Attorney General in the event of a default on a loan guarantee. In a December 13, 2010 letter to Solyndra, Jonathan Silver, then-executive director of the DOE's loan program, notified Solyndra it was in default. However, Secretary Chu did not alert the Attorney General, as required by law.

In addition, Treasury and OMB officials' emails clearly indicate they believed DOE's legal justification for placing taxpayers at the back of the line was inconsistent with their interpretation of the law, and advised DOE to seek a legal opinion from the Justice Department.

□ 2120

In an August 17, 2011, email, Department of the Treasury Assistant Secretary for Financial Markets Mary Miller sent an email to Jeffery Zients, Deputy Director of OMB, in which she stated:

Our legal counsel believes that the statute and the DOE regulations both require that the guaranteed loan should not be subordinate to any loan or other debt obligation.

It is clear, Mr. Chairman, that every step of the way the Department of Energy ignored the law and did whatever it wished in order to push through the subordination.

Our investigation continues. I and my colleagues on Energy and Commerce are working on a permanent legislation solution to ensure that taxpayers are never, ever again stuck paying hundreds of millions of dollars because of the Obama administration's risky bets and decisions to put taxpayers at the back of the line. I encourage all of my colleagues to support this amendment.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. STEARNS. How much time, Mr. Chairman, do I have left?

The Acting CHAIR. The gentleman has 30 seconds remaining.

Mr. STEARNS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chairman, I am pleased to support the amendment. I commend the gentleman for his investigations and his conclusion.

Mr. STEARNS. I yield the balance of my time to my colleague from Florida (Mrs. ADAMS).

Mrs. ADAMS. Mr. Chairman, I rise this evening in support of the Adams-Stearns-Scalise-Broun amendment, which ensures the protection of tax-

payer dollars at the Department of Energy. American taxpayers were left out in the cold when President Obama's administration went through with this loan when the now-defunct bankrupt Solyndra was restructured.

In the restructuring agreement, the Department of Energy ensured investors and special interests would recover their money first, before the American taxpayers. This is unacceptable.

Although the Department of Energy continues to argue that it has the power under Federal law to put the needs of the American taxpayer at the back of the line in a financial crisis, this amendment makes it absolutely clear the Department shall not do it again.

This amendment will ensure that if the taxpayers take a risk, they will be protected when the loan goes bad. I thank Chairman STEARNS, and Representatives SCALISE and BROUN for their leadership on this issue and I urge support of this amendment.

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

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

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . The amounts otherwise provided by this Act are revised by reducing the amount made available for "Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities", and increasing the amount made available for "Corps of Engineers—Civil—Department of the Army—Construction", by \$10,000,000.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, this is my "can we all get along" amendment. I thank, again, the chairman and ranking member for their work on this bill.

My amendment would be helpful to the Army Corps of Engineers and their work on our east coast, on our gulf, and on our west coast because it deals specifically with restoration. It sends a strong message to the importance of restoration and its issue of national importance. It talks about the economic well-being of the regions along the Nation's coastlines, and it provides an opportunity for restoration.

There is no doubt that over the years our coastlines have deteriorated and

that wetlands have not been protected. We've experienced a devastating spill on the gulf coastline, and so many along that coastline, from Florida to Alabama to Louisiana to Texas and in between, have experienced a negative impact on their wetlands and their coastline. This takes a mere \$10 million—again, I say it with respect—to assist the Nation in providing aid and improvement to the Nation's coastlines, which, again, produce opportunities of economic development, tourism, and various protections for a coastline that has suffered under neglect.

The United States Army Corps of Engineers estimates that 60 percent of the coastline along the gulf is eroding. The coast loses up to 10 feet of shoreline a year, with 225 acres of topsoil washing into the gulf coast. Funds are needed to preserve the gulf coast as well as other coasts. This will, in turn, protect the economic stability of that region.

Just a few months ago, I introduced H.R. 3710, which would provide for the added opportunity of protecting the coastline as well as for deficit reduction through an energy security fund. The legislation would provide funds for programs to help with the restoration as it establishes grants for States along our coastal areas—a coastal and disaster grant program and a national grant program—to address coastal and ocean disasters and the restoration, protection, and maintenance of the coastal areas and oceans, including research and programs in coordination with State and local agencies.

I look forward to the hearing and passage of that legislation, but today I rise to support the Nation's coastal region and to provide these resources. With that, I ask my colleagues to support this amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I share the gentleman's support for smart investments in our Nation's water resources infrastructure. I well understand the economic benefits of spending money on these needs.

I would remind the gentleman, under the earmark ban, the final bill cannot include funding to a specific project in an amount above the President's budget request. Instead, the bill includes additional funds for categories of projects with final project-specific allocations to be made by the administration. As an offset, this amendment strikes the funding for the modernization of our nuclear weapons stockpile and its supporting infrastructure.

For that reason alone, I oppose the bill, and I urge my colleagues to do so as well.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I would make the point that this is included in this bill on page 3,

under "Construction." I don't view this in particular as an earmark as much as I do as putting in resources necessary for the protection of our coastline. Again, it is not excessive. It does not undermine the atomic program. What it does is to help millions of Americans along the coastline and particularly those who have experienced deterioration going from the east coast to the west coast.

Certainly, I believe this is one on which we can join together and support. It is constructive; it is productive; it creates jobs; it creates an economic engine; and it protects one of our most valued resources, and that is the Nation's coastline, wetlands included. It is compatible with those who are fishing, with those who are exploring, and with those who are enjoying.

I think it is crucial that this amendment be passed by this House in a constructive way in order to create jobs, to move this Nation forward, and to preserve the bounty of the environment that we've been given to protect. I ask my colleagues to support the Jackson Lee amendment, which deals with the restoration of our coastline.

I yield back the balance of my time.

Mr. Chair, I rise today to offer an amendment to H.R. 5325, the "Energy and Water Appropriations Development Act, FY 2013." My amendment would increase the Army Corps of Engineers Construction Account by \$10 million for Texas Coastal Restoration and reduce the Atomic Energy Defense Account by the same amount.

My amendment sends a strong message that gulf restoration is of national importance. In addition to all the Gulf Coast States, Texas plays a crucial role in the Gulf Coast's economic well-being and deserves funds for its restoration as well.

#### THE IMPORTANCE OF THE TEXAS GULF COAST

Texas boasts a 370 mile long coastline that plays a major role in the state and the nation's economy.

The state hosts three of the country's top ten ports and is ranked number one in the nation in the total value of waterborne commerce, most of which is dependent on the Gulf ports.

The Texas Gulf Coast also plays a major role in the tourism industry. Texas gets over \$445 million a year from cruise ships and earns a quarter of the coast's travel dollars. The state also accounts for 37 percent of the Gulf of Mexico's tourism and recreational employment.

In 2008, the Gulfs oil and gas development generated about \$26 billion in wages.

Erosion is steadily threatening to destroy the Texas coast's success. The United States Army Corps of Engineers estimates that 60 percent of the Texas coastline is eroding.

The coast loses up to 10 feet of shoreline a year with 225 acres of topsoil washing into the Gulf Coast.

Funds are needed to help preserve the Texas Gulf Coast which will in turn protect the economic stability of the gulf coast region.

This Congress I introduced a bill which is also designed to help restore our Gulf Coast. H.R. 3710, "The Deficit Reduction, Job Creation and Energy Security Act."

My bill directs the Secretary of Interior to increase the 5-Year oil and gas leasing program

of lease sales designed to best meet the Nation's energy needs by 10 percent of the total acreage contained in the OCS Lands Act.

This 10 percent added acreage shall be known as the Deficit Reduction Energy Security Fund. For 15 years after issuance of the first lease or receipt of the first payment coming from the Deficit Reduction Energy Security Fund, all proceeds shall be deposited into an interest bearing account for a period of 2 years.

Upon expiration of the 2 year period, these proceeds shall be distributed as follows: The interest gained during 2 year period shall be placed in the Coastal and Ocean Sustainability and Health Fund; and the principle from the Deficit Reduction Energy Security Fund shall be applied directly toward deficit reduction.

My bill, H.R. 3710, not only increases access to oil and gas leases it also funds programs to help with Gulf Restoration as it establishes grants for states (Coastal and Disaster Grant Program and a National Grant Program) for addressing coastal and ocean disasters, restoration, protection, and maintenance of coastal areas and oceans, including research and programs in coordination with state and local agencies.

I firmly believe that we must continue to support Gulf Restoration which is why I offered the bill H.R. 3710 and why I propose the amendment today. I urge my colleagues to support my amendment which is intended to restore our nation's Gulf Coast.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

#### AMENDMENT OFFERED BY MR. MULVANEY

Mr. MULVANEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . (a) Each amount made available by this Act (other than an amount required to be made available by a provision of law) is hereby reduced by 24 percent.

(b) The reduction in subsection (a) shall not apply to the following accounts:

(1) "Corps of Engineers—Civil—Department of the Army".

(2) "Department of Energy—Energy Programs—Nuclear Energy".

(3) "Department of Energy—Energy Programs—Non-Defense Environmental Cleanup".

(4) "Department of Energy—Energy Programs—Nuclear Waste Disposal".

(5) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Weapons Activities".

(6) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Defense Nuclear Nonproliferation".

(7) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Naval Reactors".

(8) "Department of Energy—Atomic Energy Defense Activities—National Nuclear Security Administration—Office of the Administrator".

(9) "Department of Energy—Environmental and Other Defense Activities—Defense Environmental Cleanup".

(10) "Department of Energy—Environmental and Other Defense Activities—Other Defense Activities".

(11) "Independent Agencies—Defense Nuclear Facilities Safety Board".

(12) "Independent Agencies—Nuclear Regulatory Commission—Salaries and Expenses".

(13) "Independent Agencies—Nuclear Regulatory Commission—Office of the Inspector General".

(14) "Independent Agencies—Nuclear Waste Technical Review Board".

Mr. MULVANEY (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. When I was campaigning for this job 2 years ago, one of the things that I told folks back home I would do if I ever got here was to try and roll back discretionary spending to 2008 levels. One of the things I've done since I've been here is work on the Republican Study Committee budgets—we've done two of them now—which try and make an effort to really get our spending addiction under control and lower our deficits and balance our budget in a reasonable amount of time.

□ 2130

As encouraging as this bill is and as much work as the Committee has done on this particular bill, it doesn't accomplish those things. That's why I'm here. I also draw attention to the fact that this bill, as much as an improvement as it has made over previous bills, still spends more money than we did last year.

The amendment, Mr. Chairman, is fairly simple. I seek to cut \$3.1 billion from this expenditure. That represents 9½, roughly 10 percent of the overall bill. However, it only represents about one-half of 1 percent of all the discretionary spending. We're spending over a trillion dollars in the discretionary budget this year. More importantly—and what I think the folks back home would like to know—is that it's only one-sixth of 1 percent of the overall Federal expenditures. It's only one penny out of every \$6 that we spend. It is our effort to try and bring some sanity to the spending side of the equation. It is not an across-the-board cut.

We have tried, Mr. Chairman, to be smart and sensible where we've cut these funds, and for that reason we do not cut the U.S. Army Corps of Engineer accounts. We do not cut the NNSA accounts. We do not cut the environmental and other defense activities,

non-defense, environmental, nuclear waste disposal, Nuclear Regulatory Commission. What we've cut, Mr. Chairman, are things that need to be cut.

We've cut Federal research on energy efficiency and renewable energy. We propose to cut fossil energy research and development. Yes, a Republican is actually here, Mr. Chairman, arguing that we should get rid of what my colleagues across the aisle would call subsidies for Big Oil. We're trying to get rid of all the subsidies. Imagine that, a world where the Federal Government doesn't actually subsidize energy production in any fashion, but the market takes care of the supply, the demand, and the prices for those products.

We also cut spending on the Appalachian Regional Commission, the Delta Regional Authority Commission, the Denali Commission, the Northern Border Regional Commission, and the Southeast Crescent Regional Commission. Yes, sir, some of those probably are in my district, but goodness gracious, we probably have enough commissions in this government already.

Mr. Chairman, this is a reasoned and a sensible approach to try and cut as much spending as we possibly can, especially in light of today's CBO report that says the debt situation, the debt difficulties that we face are even worse than we've been talking about for the last 18 months in this Congress. For that reason, Mr. Chairman, I ask for support for this amendment, and I ask that my colleagues vote "yea."

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, our bill already cuts nearly \$1 billion from the President's request. We're below 2009 levels. We're actually pretty close to 2008 levels. And the last time I checked, we're in the year 2012.

Spending levels for non-security-related accounts are brought down by more than \$800 million from last year's level. And while difficult trade-offs had to be made to get to that level, our bill did the hard work to balance our highest priorities and serve the Nation's most pressing needs. Unfortunately, the amendment proposes an across-the-board cut on many programs, not all programs as the gentleman from South Carolina states, but on many programs that actually serve pressing needs.

Our bill cuts energy efficiency and renewable energy by 24 percent but preserves programs that can address gas prices and help keep manufacturing jobs here at home. That's the focus of the bill: lower gas prices of the future; keep jobs here at home. This amendment would jeopardize those objectives.

Our bill funds fossil energy research that ensures a secure domestic supply

of electric and lower gas prices in the future. The amendment indiscriminately cuts many of the activities, many programs.

Our bill funds science research, which is a key component of keeping America competitive. The amendment would do harm to that program. The amendment even cuts funds to the operation of our Strategic Petroleum Reserve, severely curtailing our government's ability to respond to real emergencies.

These are not acceptable cuts, and I strongly oppose the amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition and rise in strong opposition to the gentleman's amendment.

The gentleman, during his debate, mentioned a penny of savings out of a significant sum of monies. I would point out in conjunction with the chairman's remark that the non-security programs in this bill for fiscal year 2013 are \$188 million below current year level spending because the subcommittee and the full committee made discreet decisions account by account.

Dependent upon nomenclature—and I don't want to get into a semantic argument—there may be some of these cuts that the gentleman proposes that touch what nominally would be considered defense accounts, but he also makes a point that he is going after non-defense discretionary spending. I assume because he has left defense harmless that he has never read an inspector general's report relative to any defense program in the United States. And he mentioned a penny in his remarks, and I find it curious that he could not find 1 cent of savings out of 1 dollar spent in a defense account.

For that reason among many, I am strongly opposed to the gentleman's amendment. If we are going to, in fact, make an investment in this country and if we are, in fact, going to address our budgetary problems, everybody has got to be on the table with no exceptions.

The gentleman's amendment, from my perspective, is a mistake, and I yield back the balance of my time.

Mr. MULVANEY. Very briefly, Mr. Chairman, I appreciate the gentleman from Indiana's words. I would point out to him, Mr. Chairman, that there are those of us on this side of the aisle that have encouraged us to look at defense spending as ways to cut not just a penny, but to find significant savings.

I'd be curious to know, Mr. Chairman, how the gentleman from Indiana voted last year on my amendment to do exactly that, to freeze military spending at 2011 levels, but that is a discussion for another day.

So with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

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

Mr. MULVANEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from South Carolina will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. 519. None of the funds made available by this Act may be used to implement, administer, or enforce the requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, this is the Davis-Bacon Act amendment. And for everyone's information, Mr. Chairman, it's this:

The Davis-Bacon Act was an act that was signed into law on or about 1932. It was generated in New York to lock the African Americans out of the construction trades in New York. It is the last remaining vestige of Jim Crow laws in America. It's a union protection law. What it says is that any Federal construction project with 2,000 or more dollars involved in it must meet these Federal prevailing wage standards.

We know—and I've spent 28-plus years as a founder and owner of a construction company and a number of years prior to that. I'm over 30 years in the construction business, Mr. Chairman. We know this amounts to a union-imposed wage scale and federally controlled wage prices. What it does is it increases the cost of our construction projects.

Our records over the years show that someplace between 8 percent and 35 percent is the increase with the Davis-Bacon wage scale as opposed to competition setting those wages. Some of the charts here that I'm looking at show between 9 percent and 37 percent. I just use the number 20 percent more. Our project costs us 20 percent more because of this federally imposed wage scale that's unnecessary, and it cuts out competition.

You can make the decision, then, on whether we want to build 4 miles of road or 5, whether we want to build, Mr. Chairman, four bridges or five, or whether we're going to create and have these construction jobs. Are there



going to be four jobs or are there going to be five?

□ 2140

In many cases if we repeal the Davis-Bacon wage scale, you would have minorities, in fact, you would have a majority of those that would fill those jobs would be minorities.

It takes the Department of Labor 2.3 years just to issue a ruling on whatever the wages might be. I have seen them vary 40, 50 or 60 percent just across the road. That's how far off it is.

What this bill does is it prohibits any funds from being used to enforce or implement the Davis-Bacon wage scale, and it gets us a lot more bang for our buck. It gets us the quality that we have always had, and it puts America back into competition. That's what's built this country.

I urge its adoption, and I reserve the balance of my time.

Mr. VISCLOSKEY. I rise in opposition to the gentleman's amendment.

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

Mr. VISCLOSKEY. Mr. Chairman, I would note at the beginning of my remarks that Davis-Bacon is a very simple concept and is a very fair one.

The law requires that workers on federally funded construction projects be paid no less than the wages in the community in which the work is being performed for similar work.

Large Federal projects can disrupt local markets if cheap imported labor is used. Davis-Bacon requirements ensure that local workers, citizens, Americans, have a fair chance at bidding for Federal contracts in their own individual communities.

Additionally, prevailing wage protections are not the reason we have deficits. Doing away with them will not result in savings to the Federal Government. Davis-Bacon does not add to a project's total cost. A 2011 study of highway construction projects in the State of Colorado proved this point as it found no statistical significance between the cost of highway projects in the States which were subject to Davis-Bacon and the cost of State highway projects which were not subject to Davis-Bacon.

Davis-Bacon has not led to extravagant wages for affected workers. I would point out at this date, 2012, from 2000 and 2008, the real hourly wage rate for construction workers, carpenters, electricians, iron workers, plumbers, steelworkers, declined—declined—despite a small increase in the hourly wage rate.

I would point out when my mentor, Congressman Adam Benjamin, Jr., walked into this room in 1977, the real hourly wage for 1 hour's worth of a human being's work in the United States of America—it could have been laying brick, it could be pushing papers in Congress, it could be waiting on tables at a diner in the middle of the night—was more for 1 hour's worth of a

human being's labor in the United States of America than it was in 2010, and we're here trying to slam down that wage.

You want to save money on contracts, why don't we look at the executive compensation for these construction firms? Why don't we look there for some as opposed to going to the lowest common denominators.

Opponents claim that Davis-Bacon requirements are a union giveaway. However, more than 75 percent, three-quarters of Davis-Bacon wage determinations, are not based solely on union wages. There are issues about the quality of work. Get it done efficiently, get it done right, do not do it a second time. That is crucial to these communities depending upon them.

When local workers are hired, they are duly accountable to their employers and to the communities in which they reside. If the work is shoddy and therefore is delayed or needs to be redone, their families, their friends, their communities, have to live with the consequences. This is a throwback, and I am strongly opposed to the gentleman's amendment.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Iowa has 3 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I appreciate the gentleman's work in putting the statement together, but as someone who has lived this 30 years, I don't accept this statement on its face, and I can tell you that my hands-on experience tells me something entirely different. The statement that was made that says that three-quarters of these decisions are not based solely on union scale. It might be based on union scale in a union contract or sitting down in a room to make an agreement with the Department of Labor.

I don't know how these deals are made. It is union scale, and they sit there and decide we can drive up the costs of these public projects, and we can make sure that we can pay more in wages and benefits to anybody else and cut out the competition so that the entrepreneurs, the people that are founding businesses that are trying to get into this market, are locked out of the market. Davis-Bacon locks people out of the market. It locks minorities out of the market.

If you look around and you hear that expression, "people doing work that Americans won't do"—well, if you look around, the unions have been locking minorities out ever since 1932. That was the purpose of this bill.

By the way it was a couple of misguided Republicans that passed the Davis-Bacon Act and got that started. I'm embarrassed about that. One day we will have to fix this because Davis-Bacon is the last vestige of the Jim Crow laws in the United States of America.

It does drive up the costs an average of 20 percent, somewhere between 9 and

37 percent for these costs. It cannot be said either that there's a reduction in quality when we put competition in. Competition increases the quality, it increases the efficiency. It brings about the skills in the workforce, and it allows contractors to bring people in at a scale where they can be trained. So we have more competition for the labor. We get better bang for our dollar. We build four bridges instead of five, 4 miles of road instead of 5 under Davis-Bacon. We can do it the other way around and reverse it.

I reserve the balance of my time.

Mr. VISCLOSKEY. I would simply mention that if the gentleman from Iowa is suggesting that labor organizations in this country today are discriminating on a racial basis, he has not attended many union meetings lately.

I yield the remainder of my time to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman very much.

If my good friend from Iowa was joining and trying to make sure that Federally funded construction jobs went to companies that were based here in the United States, I would be celebrating with him to avoid the incident that happened with the bridge in California, where it was built by a Chinese company with Chinese nationals who had come over to the United States.

But in this instance, I would like to ask the gentleman where he finds this present-day discrimination.

In fact, as he well knows, opportunities for minority contractors have come about because of Members of this Congress who have fought for what we call—not set asides—but MWBE opportunities. We have seen the increase in construction companies. We need more. More importantly, unions have engaged in apprenticeship programs.

Prevailing wages are nothing but giving a hard day's work and a decent-paying wage. It is to construction what we were trying to do with paycheck fairness. I disagree with the gentleman that in this day and time we're not making extensive efforts to make sure that there are diverse populations working and being trained under the union label and umbrella, and that there are young men and women who are benefiting from these training programs. More importantly, MWBEs, and if the gentleman would want to work with me on ensuring that these small contractors can work on Federal projects, he would have me aligned with him today. But not to deny us the Davis-Bacon and prevailing wages.

I ask my colleagues to oppose the amendment in the name of fairness and in the name of the betterment of the working person.

Mr. KING of Iowa. Mr. Chairman, in response to that I would say again I have worked in this trade for a lifetime, I have been in the room. I know how this works. This is union scale imposed through the Department of Labor. It is not prevailing wage.

There is a study I have in front of me that shows that if we repeal Davis-Bacon there would be approximately 25,000 more minorities working in the construction business. In some trades there are many, some trades there are few. It's not something that's balanced across the countryside.

But what you don't have is competition coming into the marketplace. You do not have efficiency in your work. You don't get the bang for the buck because you have got a federally mandated wage scale, and it cuts down on the efficiency because you have people on the projects that are looking for the highest-paid scale that's there. And so they will climb on the finish motor grader and drive up and down the road rather than the rough bulldozer to get the production work done. They won't pick up the shovel because it pays less than it does holding the grade stake.

□ 2150

You cannot get willful efficiency out of people when you have the Federal Government deciding what they're going to pay. Additionally, we have some studies also that show when they audited the reports, 100 percent of those wage reports were wrong, Mr. Chairman.

So I would urge its adoption, and I yield back the balance of my time.

Mr. VISCLOSKEY. I move to strike the last word.

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

Mr. VISCLOSKEY. At this time I yield to my colleague from Massachusetts (Mr. LYNCH).

Mr. LYNCH. I would like to refute the gentleman's last point, especially. I worked for 18 years as an ironworker. I've worked not only in the Massachusetts area, but New York, New Mexico, Louisiana. I worked in Indiana. I worked at a lot of the steel mills. I worked a lot of jobs where Davis-Bacon has been in effect.

What Davis-Bacon does—and the gentleman's amendment would provide—that none of the funds made available to this bill will be available to administer the wage rate requirements of chapter 31 of title 40, which is the Davis-Bacon Act. What Davis-Bacon was meant to do is to prevent the wages in any area of the country and every area of the country from being depressed by bringing in low-wage workers. This was the practice back before the prevailing wage, before Davis-Bacon was in effect. You would have large construction projects, but you'd have unscrupulous contractors who would pay very low wages to their employees, and they would move into an area where the cost of living required those workers to get a decent wage.

And what will happen now if we repeal Davis-Bacon, which is a very, very bad idea, not only for the gentleman's district but every State in the Union, is we will get one group of very low-paid workers, and they will be like lo-

custs. They will go into areas, whether it be Houston, whether it be down in Texas or Louisiana or in the Northeast, we will have low-wage workers go in there and undercut the wages of the workers in those areas. This prevented that practice of undermining the wages of local workers.

The Davis-Bacon wage is established by a study in the gentleman's area. Specifically, they look at the wages for the construction trades. I was an ironworker. They look it at for plumbers, electricians—what is the area wage for that individual worker.

Now I'm sure we can find some workers over in Mexico that will come in and work for less money. That's supported by a lot of people in this body, unbelievably so. Davis-Bacon prevents that from happening. The contractor has to pay the wage for Houston, the wage for Tucson, the wage for New York, the wage for Boston. Those wages are different for each area because of the standard of living and the cost of living in those areas.

This protects workers, whether they're union workers or nonunion workers. And I've worked on Davis-Bacon jobs where there have been nonunion working across from me. I worked at the Shell Oil refinery down in Norco, Louisiana. Half the job was union, half the job was nonunion, because that was the deal. That's how they got enough workers to cover that job.

And I've worked 18 years. I strapped on the work boots every single day for 18 years. I've been a foreman. I've been a general foreman. I've worked on Davis-Bacon jobs. I've worked on many, many jobs. I've seen how this works, and I know the history here and why this law was put into place. This is a good law. It prevents piracy. It prevents undermining the workers in every State in this Union. If you strap on a pair of work boots, I don't care if you're union or nonunion, this is a good bill for you. This protects you.

They tried to repeal it after Katrina in the areas where Katrina affected Mississippi and Louisiana, and the President suspended it for a short while. You know what he had to do? He had to reinstate it because they couldn't get enough workers to come in because the wages were so low they could not get workers in there. So President George Bush repealed his own executive order suspending Davis-Bacon. And when they lifted that, the workers came in and worked. Workers from Louisiana, workers from Mississippi took those jobs.

This is another attack on the working people. This is just blue-collar jobs. If we don't support apprenticeship programs and decent wages and a set of skills in our workers, shame on us, shame on us, shame on us.

Mr. Chair, I rise in strong opposition to the King amendment.

The King amendment seeks to ensure that none of the funds made available through this bill may be made available to administer the

wage-rate requirements of subchapter IV of Chapter 31 of title 40, United States Code, more commonly referred to as the Davis-Bacon Act.

The Davis-Bacon Act, enacted in 1931, requires Federal contractors to pay workers the local "prevailing wage" on construction projects. Its goal was to outlaw wage exploitation, since public contracts go to the lowest bidder.

We've come a long way since 1931 in terms of workers' rights and workplace safety. But, I believe, if general contractors on Federal jobs have an opportunity to pay a lower wage to their workers and increase their own profit margin, they're going to do it. It doesn't make them bad people, they're businessmen concerned primarily about the bottom line.

In these difficult economic times, when so many workers are unemployed or barely hanging on, it sets a dangerous precedent to waive these important worker protections.

Through the underlying bill the U.S. Army Corps of Engineers will build dams, shore up vulnerable coastlines and maintain our navigable waterways. And this range of efforts will create good jobs. It's hard work, but good work for a lot of men and women across the country.

But because more than 20 percent of our construction tradespeople are out of work, there will be opportunity for some of the less scrupulous contractors to exploit this workforce, so desperate to get back on the job.

And waiving Davis-Bacon removes critical worker protections, compromising the work quality on these projects.

American workers deserve the kind of fair wage rates that Davis-Bacon provides, a wage that will lift up their circumstances, provide hope, and get them and our economy back on track. To deprive our workforce of these protections, of these opportunities, is an egregious abrogation of our responsibility as elected leaders.

I urge my colleagues to join me in opposition to this amendment.

Mr. VISCLOSKEY. I would simply say this is not a Davis-Bacon attempt to increase wages. It is protecting those who labor in this country from having their wages undercut.

I am adamantly opposed to the gentleman's amendment, and I yield back the balance of my time.

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

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT OFFERED BY MR. JORDAN

Mr. JORDAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act for the Title 17 Innovative Technology Loan Guarantee Program may be

used by the Department of Energy to issue or administer new loan guarantees for renewable energy systems, electric power transmission systems, or leading edge biofuel projects as defined by section 1705 of the Energy Policy Act of 2005.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN. Mr. Chairman, let me just say this complements the amendment that was done earlier by Mrs. BLACKBURN from Tennessee. This is the no-more-Solyndras amendment. We're all familiar with that situation. As the Clerk read, this amendment would prohibit any new loan guarantees for renewable energy, electricity systems, and biofuels as defined in section 1705 of title 17 and, as I said before, complements what the House agreed to and passed earlier.

Let me just quickly tell you about this program. This is a \$15 billion program. Twenty-six projects got your tax dollars. Of those 26 projects that got American tax money, 22 of those 26—three-fourths of those—were rated double B-minus junk status. In other words, no private capital would go there, but it was okay to put your tax dollars into these projects.

And what have we got for this? Everyone knows the story of Solyndra. They received \$535 million, fired a thousands workers, and went bankrupt. But we also have Beacon Power, which received \$43 million of your tax dollars and went bankrupt as well. First Solar got \$3 billion in loan guarantees. It's now fired half of its workers. Its stock has plummeted. And Abound Solar—just to name four—\$400 million loan guarantee and has fired 180 workers.

So here's what's going on with this program. The 1705 program was funded by the stimulus program. That is now expired. But in this continuing resolution that was passed last year, in that bill there was language to allow the 1703 program to continue to do what was previously done in 1705.

And so my amendment says, Enough of that. We've had enough taxpayer dollars wasted. We don't need any more. Our committee that I get the privilege of sitting on, the Oversight Committee, has had several hearings on this. We don't need the Department of Energy handing out more of your money to companies with double B-minus ratings and junk ratings and lower. We don't need that anymore. This says: enough is enough. We're in debt. This is at least one place we can start to save some taxpayer dollars.

I reserve the balance of my time.

Mr. VISCLOSKEY. I move to strike the last word.

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

Mr. VISCLOSKEY. I rise in opposition to the gentleman's amendment.

The title 17 loan program has had its share of publicized problems, but I do believe that the Department of Energy has implemented changes to the program that will strengthen the management of it going forward. And while it is impossible to ensure the success of a loan guarantee, these reforms, I believe, will significantly reduce the risk borne by the Department.

This amendment is specifically targeted at renewable energy projects pending approval under the 1705 Innovative Loan Guarantee program. Some of these projects are eligible to have their credit subsidy costs covered by the Department. Generally, given the current capital markets and project structure, it is difficult for renewable projects to raise sufficient revenue to use loan authority. Because we have several promising projects that remain in the pipeline and the companies behind these applications have invested a significant amount of time and financial resources to advance them, I do not believe that this amendment is fruitful.

□ 2200

The amendment would make these efforts multiyear for naught and further exacerbate the uncertain business environment facing innovative energy companies at this time. Therefore, I would be opposed to the gentleman's amendment, and I yield back the balance of my time.

Mr. JORDAN. Mr. Chairman, I would just respond that the gentleman talked about—a “couple of problems” I think was the language he used referring to this program. It's hard to see when you have companies going bankrupt with taxpayer money, and 22 out of 26 of the projects that were funded were rated below investment grade credit quality—in other words junk status—it's hard to see how you can say “a couple of problems” when that's the history of this program. At some point, we're going to have to cut some spending.

One of my favorite movies, and some of you may have seen the movie “1776.” It's a musical. It's when they draft the Declaration of Independence, and there's a great scene, a great line—there are many great scenes, but one of the ones that I remember, where they're going through the declaration that Jefferson has just written. They're marking it up, they're editing it. And as they go through it, there are Members of that Congress who say, Well, we don't want to say this because that might really offend King George. And if we say this, Parliament may not like that. And what about deep sea fishing rights? They go through this whole thing. Finally, John Adams stands up and says: It's a revolution, dammit; we're going to have to offend somebody.

And at some point we've got to say we're so in debt we're going to have to cut something. Why not focus on a program that completely doesn't work? A program we all know has failed.

So if the other party can't even cut a program where 22 of the 26 projects are junk status, no one will give them money, they gave your taxpayer dollars to them and they went bankrupt—if we can't even stop that program, how in the heck are we ever going to deal with a \$16 trillion debt larger than our entire economy?

So this is as simple as it gets. This is the low hanging fruit here, guys. And this party over here won't even go there. Unbelievable. The program speaks for itself. It's a failure. We should end it. We should save taxpayer dollars and take that initial first step in bringing some sanity back to our fiscal situation.

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

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

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. GRAVES OF MISSOURI

Mr. GRAVES of Missouri. I have an amendment 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 (before the short title), insert the following:

SEC. \_\_\_\_\_. Of the funds appropriated in title I of this Act, not more than \$50,000,000 may be used for the Missouri River Recovery Program.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. GRAVES of Missouri. Mr. Chairman, I rise today in support of my amendment, which modestly reduces funding for the Missouri River recovery program.

Since 2006, the Federal Government has spent more than \$468 million on the Missouri River recovery program. This program is primarily intended to improve the ecosystem for the piping plover, the least tern, and the pallid sturgeon within the Missouri River basin.

Projects funded through this program include shallow water habitat creation, land acquisition, and emergent sandbar habitat. It also supports unknown numbers of positions and departments within the U.S. Army Corps of Engineers and the Fish and Wildlife Service, generates thousands of pages of documents, and pays for numerous conferences and conference calls.

Many of my constituents along the Missouri River have been flooded for the last several years due to mismanagement and misplaced priorities in the Federal Government. Congress practically writes a blank check for the Missouri River recovery program while providing far less than sufficient funds for levee maintenance and repair. This is unacceptable.

It is also important to note that many projects funded by the Missouri River recovery program increase the chance of flooding by weakening flood protection systems. Further, a recent independent review of major initiatives of the Missouri River recovery program concludes that the current mitigation strategy does not mitigate losses of the pallid sturgeon, the least tern, and the piping plover, or the degradation of their habitats. So Congress is essentially spending millions of dollars on projects that are unproven. And at the very least, these funds are diverted away from critically important and proven flood mitigation projects.

My amendment won't prevent future floods, but it will show those located in the Missouri River basin that Congress is serious about getting its priorities straight. My amendment does not gut the Missouri River recovery program—it's only a small reduction from the amount provided in the underlying bill. The underlying bill provides \$71 million and my amendment reduces that to \$50 million, which is consistent with the level of funding provided in 2008.

I believe conservation is important, but we should not overlook what it is we sometimes sacrifice to achieve conservation. In this case, it is the livelihood of businesses, farms, and families. I urge my colleagues to support my amendment, and I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

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

Mr. VISCLOSKY. Mr. Chairman, I rise to express my opposition to the amendment offered by the gentleman from Missouri. I would certainly agree with him that we are not making sufficient investments in our infrastructure, but this amendment would do nothing to resolve that problem. But it would introduce a host of other detrimental impacts to the basin and will lead to a failure to comply with the requirements of the Endangered Species Act.

The \$90 million which was in the President's budget is the Corps' best assessment of the minimum required to maintain long term biological opinion compliance. There is in the bill a \$18.6 million cut already which reduces the Corps' ability to maintain required progress on emergent sandbar habitat construction, shallow water habitat, Yellowstone intake, and real estate acquisition.

While the gentleman indicates he does not want to gut the program, the fact is he would add another \$21.4 million worth of cuts, essentially representing a 44 percent cut of the President's budget. If that's not gutting, it is certainly a significant hindrance.

Given the extent of existing cuts, the Corps would need to consult with the U.S. Fish and Wildlife Service on the potential for reduced progress on biological opinion compliance and on po-

tential operational adjustments, opening the possibility of a jeopardy determination.

Further, reducing the amount would have a significant and negative impact with regards to maintaining biological opinion compliance for the Missouri River, and the Corps may not be in a position to serve all eight congressionally authorized purposes.

Additionally, operational changes may have to be made to avoid impacts to listed species that could result in a split navigation season, impacts on hydropower production, and impacts on water supply and recreation. A split navigation season will further erode the ability of farmers and manufacturers to get their products to market or to the consumer.

And given that the power produced by the Missouri River projects provides base power loads for the region, reduced production would further jeopardize peak power needs in the area.

The impacts to water supply also potentially could be great. Many communities are already having difficulty with the intake infrastructure to local water supplies. Without the regulation river flow provided by the projects, these communities will have a monumental task to extend the intakes for the low flow periods, increasing the burden on already cash-strapped local governments.

For these reasons, I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, as I stated before, we are not gutting this program, we are just reducing the funding for it. For that matter, I might add that even if we zeroed this program out, it would have absolutely no effect on power intake systems, on power generation systems, on navigation whatsoever. But the fact of the matter is, and I've seen it, this money is spent to dump sand in the river so it can create more sandbars, to try to create more sandbars. It's used to buy more land, which takes land out of production. The fact of the matter is when we have trillions of dollars worth of deficits each year and trillions and trillions of dollars worth of debt, the last thing we need to be doing as the Federal Government is buying more land and dumping dirt in the Missouri River to create habitat. That's the bottom line: it's unacceptable, and this program needs to be reduced.

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

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

The amendment was agreed to.

□ 2210

AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers or any district of the Corps within such divisions to implement or enforce the mitigation methodology, referred to as the "Modified Charleston Method".

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, I have consistently championed the need for Louisiana to protect its fragile coast and wetlands. I have offered amendments and supported bills that all positively affect the creation of new wetlands and starts to turn the tide on the coastal land loss in Louisiana. But the New Orleans District Corps of Engineers office is going to cripple our ability for Louisiana to protect itself from dangerous hurricanes by introducing a standardized method of wetlands mitigation. This standardized method is called the Modified Charleston Method.

This method is driving up the State and local mitigation cost of hurricane protection in Louisiana by 300 percent. I said only the State and local cost because the Corps has exempted itself from its own method on Federal projects. This is why the American people are frustrated at the Federal Government; it creates a rule, enforces it on everybody else, but exempts itself.

The Corps' new wetland rules are actually halting the creation of wetlands. As such, my amendment prevents the enforcement of the Modified Charleston Method within the State of Louisiana for 1 year, forcing the Corps to take a breath and develop a mitigation system that provides for our wetlands without stifling needed hurricane protection measures and economic development.

My amendment impacts only Louisiana. If your Corps districts use the MCM and it works for your constituents, great, your Corps districts can continue to do so. But the MCM does not work for Louisiana. In fact, the State of Louisiana, the Police Jury Association of Louisiana—our association of counties—the Association of Levee Boards of Louisiana, Vermillion Parish and countless local communities all have severe concerns about the MCM.

Moreover, the MCM does not acknowledge that some construction projects actually preserve wetlands. For example, a flood protection levee that protects homes also protects wetlands from saltwater intrusion and erosion. However, these benefits are not calculated.

The Corps itself does not follow the MCM. And until it does, local parishes, communities, and builders should not be forced to follow it as well.

I urge passage of this amendment and reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. VISCLOSKY. I do rise in opposition to the gentleman's amendment. While I have some sympathy for the issue that the gentleman has raised, I believe that more consistency should be brought to the way we evaluate wetland impacts, not less, as this amendment would ensure.

The Charleston Method has been utilized for two decades in various Corps districts. The Charleston Method is a quick, inexpensive, and consistent methodology—I think that's very important to note, a consistent methodology—for use by the regulated public and the Corps.

The gentleman suggests that it doesn't work. If it doesn't work, I do not know why in 2006 and 2007 the New Orleans District worked with its Federal and State partners to modify the Charleston Method so that it better reflected the unique conditions found in southern Louisiana resulting in the Modified Charleston Method.

The use of the Modified Charleston Method is longstanding in many Corps districts. Many regulatory customers use the tool to assess their potential mitigation requirements for their impact site as well as credits required at mitigation banks. This transparency in Corps mitigation requirements has helped the applicant prepare a complete application package and determine mitigation costs up front.

Suspension of the use of the Modified Charleston Method in Corps districts would require that any pending permit applications—section 404 of the Clean Water Act—and pending mitigation banks would need to be reevaluated using a different assessment tool/methodology or, in the absence of such, use best professional judgment to determine appropriate mitigation requirements for impacts and for available credits in mitigation banks, obviously encompassing a great deal of delay.

All approved mitigation banks with available credits that were determined by the Charleston Method would be temporarily closed until a new methodology could be developed and the bank credits converted to the credit system of a new methodology. These banks were established utilizing the credit system of the Modified Charleston Method, and until a similar credit system can be determined for these projects, it would not be possible to correlate the new requirements with the old system. We would not have transparency; we would not have consistency. We would have delay.

For these reasons, I do oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. LANDRY. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Louisiana has 2½ minutes remaining.

Mr. LANDRY. Mr. Chairman, the only thing consistent about the method is that it doesn't work in Louisiana. In fact, the only thing that it increases is the amount of land that the mitigation banks can sell.

We have parishes in Louisiana who understand that the Federal Government doesn't have any more money. The residents and citizens of those parishes have taxed themselves to protect themselves from storms, and yet the formula that the Corps is using is driving the cost of these projects to a point where they can't build them anymore. But yet some in this body will argue that after hurricanes come in, after hurricanes affect Louisiana's coast, they don't want to pour the money in to rebuild those communities.

Those communities are trying to protect themselves at a time when the Federal Government has told them "no" as a source of funding, and yet now the Federal Government is going to change the rules. It just doesn't work in Louisiana. And for that, I urge my colleagues to help me pass this amendment.

Mr. Chairman, I yield back the balance of my time.

PARISH OF JEFFERSON,  
OFFICE OF THE PRESIDENT,  
Jefferson, LA, June 5, 2012.

Hon. JEFF LANDRY,  
Cannon House Office Building,  
Washington, DC.

DEAR REPRESENTATIVE LANDRY: I strongly oppose use of the Modified Charleston Method (MCM) to assess wetland habitats and compute compensatory credits for wetland impacts from public safety and economic development projects. The MCM must be revised to provide adequate and defensible compensation calculations for required mitigation.

Jefferson Parish has serious concern that the MCM, in its current form and with its current factor value(s), may cause unnecessarily high and impractical compensatory mitigation values. Section 404 of the Clean Water Act requires that compensatory mitigation be practicable. The MCM offers the very real possibility of quantifying compensatory mitigation calculations that are unworkable and in direct violation of both the letter and the spirit of the Clean Water Act.

The Parish is also concerned that the MCM may have a negative influence on important public works projects that are tied directly to public safety. It is the Parish's belief that the MCM will have a direct negative impact on important public safety projects by requiring an inordinate amount of compensatory mitigation for wetland impacts associated with these projects. The communities of southeastern Louisiana have little choice, in most cases, than the construction of the necessary flood protection structures in areas which trigger wetland mitigation requirements, if they are to provide adequate safety for these communities. Ultimately, the utilization of the MCM for assessing the wetland impacts for these important projects may lead to loss of property, livelihood, life, and result in local, state and federal legal liabilities.

In addition, the Parish is concerned that the MCM may also have a negative influence on critical infrastructure projects such as roadways/hurricane evacuation routes, ports, hurricane protection features, etc. Most of this infrastructure also provides crucial access that is required for the maintenance and

growth of the petroleum and chemical industry, which supports this state, the region and the rest of the nation.

Accordingly, I vehemently oppose use of the Modified Charleston Method and would like to offer my support of your proposed amendment to H.R. 5325,

Sincerely,

JOHN F. YOUNG, Jr.,  
Jefferson Parish President.

ST. MARY PARISH GOVERNMENT,  
Franklin, LA, June 4, 2012.

Hon. JEFF LANDRY,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

DEAR REPRESENTATIVE LANDRY: The St. Mary Parish government is supportive of your efforts to craft legislation in the form of an amendment to the FY 2013 House Energy and Water Appropriations bill. St. Mary Parish supports the Landry Amendment that would prohibit any funds be used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers (Corps) to implement or enforce the Modified Charleston Method (MCM).

We feel that this is an appropriate step that shows the Corps that a variation is needed from the current MCM. Our community cannot afford the every growing expense that this methodology has put on the backs of our locals.

St. Mary Parish has repeatedly asked the Corps to revisit the MCM as in current form it is unreasonably burdensome on our local economy. Our community is already experiencing negative impacts of the MCM. While we agree that wetland mitigation is necessary, our figures indicate that under the MCM projects cost three times more than they were before this methodology was implemented.

Your leadership on this issue is appreciated. I look forward to working with you on these and other issues important to St. Mary Parish.

Sincerely,

PAUL P. NAQUIN, Jr.,  
Parish President.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LANDRY

Mr. LANDRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ . None of the funds made available under this Act may be used to carry out section 801 of Energy Independence and Security Act of 2007 (42 U.S.C. 17281).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. LANDRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. LANDRY. Mr. Chairman, in 2007, Congress passed the Energy Independence and Security Act of 2007. Section 801 of this act authorizes the Department of Energy to create a national media campaign to promote alternative green technologies and wean Americans off of fossil fuels. My amendment defunds this media campaign.

Our government must get out of the business of picking winners and losers. The American public knows far better than any government bureaucrat what energy sources work best for them, their families, and their businesses. Instead, private green energy firms should use their own advertising campaign funds on behalf of the energy sources they sell. Why are government dollars needed?

I urge my colleagues to support this amendment and to defund this taxpayer media campaign.

I yield back the balance of my time.

□ 2220

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, as the designee of the gentleman from Georgia (Mr. BROUN), I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ . None of the funds made available under this Act for the Advanced Research Projects Agency—Energy may be used for unallowable costs related to advertising or promoting the sale of products or services in contravention of the requirements of section 31.205-1, or for unallowable expenditures related to raising capital in contravention of the requirements of 31.205-27, of title 48 of the Code of Federal Regulations.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alabama (Mr. BROOKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BROOKS. Mr. Chairman, I offer this amendment to address a shortcoming in the manner in which ARPA-E, the Department of Energy's Advanced Research Projects Agency for Energy, spends taxpayer dollars.

In August 2011, the Department of Energy Inspector General released an audit report that disputed costs incurred by ARPA-E award recipients. For clarity, an ARPA-E award recipient is a private company or entity that seeks operational cost reimbursement from Federal taxpayers.

The Inspector General disputes that private company expenses for "meetings with bankers to raise capital" and "a fee to appear on a local television program" are reimbursable costs that Federal taxpayers should pay for. The Inspector General report found that such spending violates Federal acquisition regulation subpart 31.2.

ARPA-E disputed the Inspector General's finding and argued that such costs are allowable under ARPA-E's statutory authority to fund technology transfer and outreach activities.

In February 2011, ARPA-E finalized Technology Transfer and Outreach guidance for awardees that explicitly

encourages ARPA-E private company awardees to engage in and seek taxpayer reimbursement for these questionable expenditures.

More specifically, the policy states that acceptable taxpayer reimbursement activities by private companies include:

Marketing and other expenditures related to promoting an ARPA-E funded technology; Consulting and other expenditures related to developing ARPA-E-funded technologies, building business and identifying potential users, markets and customers, e.g., business plan development, market research, and

Presentation and other expenditures relating to seeking additional funding from the private sector and government agencies.

ARPA-E guidance suggests the inappropriate spending identified by the Inspector General may be significantly widespread. At a January 2012 hearing, the Science, Space and Technology Committee's Subcommittee on Investigations and Oversight examined ARPA-E guidance in spending.

One day prior to the hearing, ARPA-E delivered to the committee an updated policy that omits mention of these questionable spending activities. Hence, ARPA-E's revision adds confusion, not clarity, to the pending question. In the absence of more explicit guidance consistent with the Inspector General's spending concerns, there is a significant risk to American taxpayers that ARPA-E private company awardees will incur costs that violate Federal regulations, yet which ARPA-E reimburses out of taxpayer funds.

On February 10, Subcommittee on Investigation and Oversight Chairman PAUL BROUN asked ARPA-E Director Majumdar to clarify in writing whether ARPA-E considers the activities mentioned in the original ARPA-E policy as allowable spending. Responses to these questions were due on February 24, 2012, but the Department of Energy refused to provide a response, a response which is now well over 3 months past the deadline.

This amendment does what ARPA-E should have already done, make it explicitly clear that the spending concerns identified by the Inspector General using taxpayer funds to raise private capital and using tax dollars to market, advertise, and promote private company-funded technologies are not allowable.

ARPA-E tax dollars should not go to private company advertising, marketing and "meetings with bankers to raise capital."

Stated differently, in this era of deficits and accumulated debt that threaten America with insolvency and bankruptcy, American tax dollars should not be used to pay for the operational costs of private sector companies, particularly when the Inspector General has already determined they are improper.

Mr. FRELINGHUYSEN. Will the gentleman from Alabama yield?

Mr. BROOKS. I yield to the gentleman.

Mr. FRELINGHUYSEN. I think we're prepared to accept your amendment.

Mr. BROOKS. I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHWEIKERT

Mr. SCHWEIKERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to enforce part 429 or 430 of title 10, Code of Federal Regulations, with respect to showerheads (as that term is defined in section 430.2 of such title).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, this is one of those sort of occasions I'm going to refer to this almost as the law of unintended consequences.

About 6 months ago, I was visiting one of my favorite places in life, a Starbucks in Scottsdale, and a gentleman walks up to me, just bouncing off the walls, and apparently it wasn't from a bunch of espressos. He had just been given a \$447,000 fine for his tiny little business that made custom shower heads, made specialty shower heads, because apparently the water restrictor ring inside was too easy to pry out.

Now, I need to disclose something here, in all honesty. I've actually changed the shower heads in my house. And guess what the first thing I've always done is. I take a screwdriver and stick it in there and pull that little water-restricting ring out of there because I have this bad habit; I actually like to get wet when I shower. I know it's a novel concept, but it's something I like to do.

But think of this: the Department of Energy is out there enforcing, and here's the standards they live by. If it takes more or less than 8 pounds of pressure to remove the water restrictor after they take apart the shower head, they come and fine you.

But the creepy part of this story is they demanded a list of everyone who had purchased one of these shower heads. So now the Department of Energy is putting together the database of the people that bought shower heads that the water-restricting O ring inside is too easy to remove.

Have we lost our minds?

I'm not thrilled coming to the floor and doing a limitation amendment on something like this, but this is the type of thing the American people are absolutely livid about. And this actually affects our daily lives.

With that, Madam Chairwoman, I reserve the balance of my time.

Mr. VISCLOSKEY. I rise to claim time in opposition to the gentleman's amendment.



The Acting CHAIR (Ms. FOXX). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. I appreciate the recognition and do rise to oppose the gentleman's amendment.

The standards the gentleman is very exercised about were contained in the EPA Act of 1992 and have been in effect for more than a decade. And they, in fact, do save energy and they do save water. A number of States are starting to adopt tighter standards on these products, including the State of Georgia, because they do save energy.

There is no part of the country, including mine that borders the Great Lakes, the largest body of fresh water on the planet, that does not have water supply concerns. In California, there has been a tremendous public investment to encourage and incentivize homeowners to replace their utilities with models that require less water.

□ 2230

I really do not know why we are discussing this issue again. We talked about it in the nineties. We talked about it in the last decade, and here we are this evening talking about it again. Manufacturers have been complying with this provision for, again, a decade. The question is: Why are we talking about it today? I am aware of an enforcement action recently, but against plumbing manufacturers who have put multiple compliant showerheads onto one fixture, obviously trying to sidestep the law when you have three efficient showerheads attached to one.

With water shortages across the country, with an energy crisis in most of the Mountain and Western States, I would ask my colleagues to oppose the gentleman's amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Madam Chairwoman, may I inquire as to my time?

The Acting CHAIR. The gentleman from Arizona has 3 minutes remaining.

Mr. SCHWEIKERT. This is actually an interesting debate from an economic standpoint.

Being from the desert, where we actually really, really care about our water supply, we've learned something. I'm one of those people who lives in a house with rock landscaping and low water this and low water landscaping, but I do like to get wet in my shower, as we've already stated. If you want to deal with water usage, basic economics says you do it through the pricing mechanism, not through trying to manage my life with a bunch of laws.

Madam Chairwoman, I stand in front of you and hope this amendment passes because, in many ways, I think this is a great example of what drives the American voters, the American people mad in that we try to micromanage every aspect of their lives, and we turn huge numbers of them functionally into criminals. I would love to do an honest survey through this body of how many people have done any remodeling or who have put up a new showerhead

and who have not monkeyed with that flow restrictor that's inside that showerhead.

Ultimately, I appreciate that in 1992 this somehow passed through this body. Maybe it was meant to help, and maybe it was meant to have all sorts of good purposes, but this is not the rational methodology with which to promote that type of water conservation. Then when you turn the Department of Energy into a police force that actually now sets standards of—if I can exceed 8 pounds of force, then all of a sudden it's perfectly legal, but if it's under 8 pounds of force in removing the water restrictor, then I get a \$447,000 fine, as my constituent received here.

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

Mr. VISCLOSKY. Madam Chairman, I do not live in a desert. I mentioned in my earlier remarks that my congressional district, in fact, borders the largest body of freshwater on the planet Earth. I find water very precious myself, and I try to explain to my constituents every day we should not take it for granted.

I find the debates that we have engaged in here very interesting tonight. A bit earlier today, we had an amendment to suppress the wage rates in this country. We have about 13 million people who don't work today, but the gentleman suggests the way that we solve our water crisis in this country is pricing. His solution is: Let's increase the price of water. Let's increase the price of water for those 13 million people who aren't working. Let's increase the price of water. Let's use pricing for water to conserve it for those people who may not be making a living wage because people want to destroy Davis-Bacon in this country.

Maybe we ought to think about the people who are just getting by, just grubbing to get the money to pay their water bills. Pricing means something to them. In this case, if regulation that had been in place for more than a decade will help those people of least means pay their water bills, I say that's a good thing and a very sound reason to oppose the gentleman's 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. SCHWEIKERT).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LUMMIS

Mrs. LUMMIS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_ . None of the funds made available under this Act may be used to plan or undertake sales or any other transfers of natural or low enriched uranium from the Department of Energy that combined exceed 1,917 metric tons of uranium as uranium hexafluoride equivalent in fiscal year 2013.

The Acting CHAIR. Pursuant to the order of the House of today, the gentle-

woman from Wyoming (Mrs. LUMMIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wyoming.

Mrs. LUMMIS. I first want to thank my colleague, Representative HINOJOSA from Texas, for joining me in this amendment.

Now here is an undisputed fact: Today, the United States imports more than 90 percent of our uranium from foreign countries. Some of them don't like us very much. We have an ample supply of uranium in the West and across this country. A lack of supply is not the problem.

We import that much uranium for two reasons: First, accidents that happened decades ago cooled interest in nuclear energy in our country, so companies slowed down their production. But here is the second reason: Just as our domestic energy began to recover from these disasters, our own government started dumping into the market excess uranium it has stockpiled.

DOE uses the stockpile to raise funds for itself for various purposes—a fact that this Appropriations subcommittee has been concerned about for quite some time. Every time the Federal Government dumps its excess stockpile into the market, it depresses the price of uranium. Depressed uranium prices halt private investment in domestic mining and conversion and hurt American jobs in the West and in the Midwest.

Being reasonable folks, the uranium miners have agreed to accept that the Department of Energy can dump into the market up to 10 percent of domestic demand for uranium. That has been the consensus approach since 2008. However, last month, the DOE departed from the consensus and announced that it would dump into the market a volume of uranium that is overwhelming in its scope—9,000 tons—an amount that is orders of magnitude greater than 10 percent of domestic demand.

That is what my amendment today seeks to end—the price-distorting dumping of uranium in the open market above what has been the consensus in the uranium industry for years and above a level that can be weathered by U.S. companies offering U.S. jobs in uranium mining.

Now here is where my amendment gets politically sticky. High-profile Members of Congress from the Midwest are trying to protect 1,200 jobs for 1 year at the United States Enrichment Corporation facility in Kentucky. Let me be clear. I don't want jobs lost in Paducah, Kentucky, but I also don't want jobs lost in Wyoming and in the West.

I want my colleagues to understand this. While the actions of the Department of Energy may help save 1,200 jobs for 1 year in Kentucky, it will also end 1,200 jobs in the West and Midwest for much longer than that. So the Department of Energy's dump onto the

open market of \$815 million worth of uranium to further bail out a failing private company, USEC, will result in no net savings of jobs. Over \$800 million to save no net jobs is a stunningly bad investment.

The good news is that we can protect jobs in Kentucky and in the West at the same time. We do not have to choose. Here is how. Vote for this bipartisan amendment. If my amendment passes, the DOE will still transfer 62 percent of the 9,000 tons of depleted uranium before my amendment even takes effect.

□ 2240

After that, DOE can still continue its transfers, just under a reasonable cap that doesn't destroy domestic uranium mining and conversion in the process.

Here are the facts: My amendment does not halt work at any of USEC's failing sites; it does not prevent transfers for national security purposes; it does not halt the cleanup of sites in Ohio. In fact, my amendment provides a way for all of these projects to move forward efficiently and fairly.

The bottom line is this: We do not need to sacrifice jobs in Wyoming or Illinois to support jobs in Kentucky. That is a false choice. We can do both, and that is exactly what my amendment does.

I implore my colleagues to give DOE's actions careful thought here. DOE's plan is a market distorting government intrusion into the private market. We cannot stop it in full, but we can rein it in next year in a way that is fair to every single stakeholder in this debate.

I ask my colleagues to support my amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Madam Chair, I rise in opposition to the gentlelady's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I share the gentlelady's concern on the Department's continued off-budget use of its uranium transfer authority to circumvent the appropriations process and avoid congressional oversight. Congressional oversight is essential in order to make sure there are adequate protections in place to protect our domestic uranium mining and conversion industry. However, this amendment is too broad an approach for what is, by most estimates, a very complex issue.

There are several uses for the many uranium transfer authorities given to the Secretary of Energy that support ongoing national security activities, and there is still a great deal of ambiguity of whether this language in this amendment would prohibit funding for a depleted uranium tails transfer that will keep the Paducah plant in Kentucky operating for another year. That deal would sustain, and there may be a question in terms of how many jobs are

here, but our estimates say it will sustain 2,000 jobs in fiscal year 2013 and provide the needed uranium fuel to produce tritium to supply our nuclear weapons stockpile.

I hope we can work together—the gentlelady and I, and members of the authorizing committee and the Appropriations Committee on Energy and Water—to find a solution that addresses all of these and other concerns.

I urge my colleagues reluctantly to vote “no” on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

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

Mrs. LUMMIS. 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 gentlewoman from Wyoming will be postponed.

AMENDMENT OFFERED BY MR. FORTENBERRY

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to finalize, implement, or enforce the proposed rule entitled “Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies” (77 Fed. Reg. 18478 (March 27, 2012)) with respect to product class 7 (as described in such proposed rule).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Madam Chair, I appreciate the opportunity to offer this commonsense amendment to protect American jobs and reduce regulatory burdens. Quite simply, this amendment would block the Department of Energy from implementing unnecessary energy conservation standards for golf cart battery chargers.

Madam Chairman, I recognize that reasonable regulations are necessary to protect human health and the environment; however, we must guard against costly rules that provide no meaningful benefit to the United States but instead encourage this shift of American jobs overseas to lower-wage countries where environmental standards are minimal. The proposed golf cart battery charger rule is clearly such a regulation. The proposed standards would achieve minimal energy savings, and the Department of Energy itself acknowledges that they would result in U.S. manufacturing jobs being sent overseas.

While I support the overall goal of promoting energy efficiency, I am very

concerned about this proposed regulation that directly affects more than 100 jobs right where I live.

Madam Chair, last week's unemployment figures highlight the economic challenges we face in our country. Job growth is slowing and unemployment is ticking up. In this kind of economic climate, why would we want to intentionally force American jobs overseas through increased and unnecessary regulation?

I would also like to emphasize that golf cart battery chargers should not even be included in this proposed rule, which is intended to cover consumer products. It is my understanding that about 90 percent of new golf carts are sold to businesses for fleets, while less than 10 percent of new golf carts are for personal use by individuals. This does not meet the significant standard necessary to be considered a consumer product.

It is clear that the proposed rule would make American manufacturers of battery chargers less competitive and it would cost American jobs, so we must ask what would we achieve by implementing this rule. According to the Department of Energy's calculations, making this change would result in energy savings of only about \$6 per charger per year. That's because these chargers are already very highly efficient.

With that, Madam Chair, I urge my colleagues to support this amendment which will help protect American jobs, and I reserve the balance of my time.

Mr. VISCLOSKEY. Madam Chair, I move to strike the last word.

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

Mr. VISCLOSKEY. Madam Chair, I will not oppose the gentleman's amendment, but I do have some concerns.

First, I would like to say that I hope that we will not begin to legislate every rule coming out of the Department of Energy on this particular bill, though I understand the frustration that the Department of Energy is capable of causing from time to time. However, in this instance, I do understand that the Department is responding to the concerns expressed by the gentleman from Nebraska, and it is anticipated that a resolution is expected soon.

On that basis, I do not oppose the amendment as a gentle reminder for the Department to address this issue expeditiously.

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

Mr. FORTENBERRY. I yield back the balance of my time, Madam Chair.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. \_\_\_\_ . None of the funds made available by this Act may be used to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Texas (Mr. FLORES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FLORES. Madam Chair, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its life-cycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources.

In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Energy and Water Development appropriations bill.

□ 2250

The initial purpose of section 526 was to stop the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum. We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel. Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department.

This is why I'm offering this amendment again today to the Energy and Water appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix, and that fix is to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop and produce all of our domestic energy resources.

Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's policy independence and our national security. Madam Chair, section 526 makes our Nation more dependent on Middle Eastern oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy, and create American jobs.

In some circles, there is a misconception that my amendment somehow prevents the Federal Government and our military from being able to produce and use alternative fuels. Madam Chair, this viewpoint is categorically false. All my amendment does is to allow the Federal purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs. I offered a similar amendment to the CJS appropriations bill, and it passed with strong bipartisan support.

My similar amendment to the MilCon-VA appropriations bill also passed by a voice vote. My friend, Mr. CONAWAY, also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

Let's remember the following facts about section 526: it increases our reliance on Middle Eastern oil; it hurts our military readiness, our national security and our energy security. It also prevents a potential increased use of some sources of safe, clean, and efficient American oil and gas.

It also increases the cost of American food and energy. It hurts American jobs and the American economy. Last, but certainly not least, it costs our taxpayers more of their hard-earned dollars. I urge my colleagues to support the passage of this commonsense amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Madam Chair, I rise in support of the amendment by the gentleman from Texas. The gentleman's amendment enhances our national security by giving the Federal Government alternatives to imported petroleum fuels. Gas prices this year are at record highs, and the Nation imports nearly half of its oil. Our bill takes a comprehensive approach to once and for all reduce gas prices and our reliance on imported oil.

Unfortunately, by declaring some fuel options to be off-limits, off-limits to Federal fleets, section 526 of the Energy Independence and Security Act of 2007 limits our ability to reduce our Nation's dependence on oil imports.

By undoing that law, the amendment puts all the alternatives back on the table so the Nation can begin developing and using fuels that are made with resources right here in the United States. Energy self-sufficiency is a national security issue, and this amendment takes a step in the right direction by adding to the comprehensive approach in our bill. I support the gentleman's amendment, and I am prepared to accept it.

I yield back the balance of my time.

Mr. VISCLOSKY. Madam Chair, I rise in opposition to the gentleman's amendment.

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

Mr. VISCLOSKY. Section 526 is, I believe, a commonsense provision that stops Federal agencies from wasting taxpayer dollars on new alternative fuels that are dirtier and more polluting than fuels we use today.

Section 526 simply bars agencies from entering into contracts to purchase alternative and unconventional fuels that emit more carbon pollution than conventional fuels on a life-cycle basis. Section 526 doesn't prevent the sale of dirty fuels, nor does it prevent the Federal agencies from buying these fuels if they need to.

Instead, it simply prevents the Federal Government from propping up the makers of dirty fuels with long-term contracts. Government policy, given the problems we face as far as our energy policy, should help drive the development of alternative fuels that cut pollution in carbon emission, not increase it.

The effect of this provision has been that it has spurred development of advanced biofuels. These fuels are being successfully tested and proven today on U.S. Navy planes at supersonic speeds. It is a testament to this country's ingenuity.

Opponents of this section claim that it creates problems for Federal agencies, and that is simply not the case. For example, the Department of Defense supports section 526, recognizing that tomorrow's soldiers, sailors, air personnel, and marines are going to need a greater range of energy sources.

Last July, the Department of Defense stated very clearly, and I quote:

The provision has not hindered the Department from purchasing the fuel we need today, worldwide, to support military missions. But it also sets an important baseline in developing the fuels we need for the future.

DOD has also said that repealing section 526 could "complicate the Department's efforts to provide better energy options to our warfighters and take advantage of the promising developments in home-grown biofuels."

If DOD, the government's largest fuel purchaser, believes that section 526 is workable and helpful, that should be true for other agencies as well. In fact, the agencies we're addressing today have not expressed any concerns that I am aware of about section 526 nor have they asked for this provision.

I believe this amendment could also damage the developing biofuels sector at the worst possible time for our economy. It can send a very negative signal to America's advanced biofuel industry and could result in adverse impacts to U.S. job creation, world development efforts, and the export of world-leading technology.

Developing and bringing advanced low-carbon biofuels to scale is a critical step in reducing the Nation's dependence on oil. In this section, section 526, is a key part of this process. For these reasons, I would certainly be opposed to the gentleman's amendment.

I reserve the balance of my time.

Mr. FLORES. Madam Chair, may I ask how much time I have remaining.

The Acting CHAIR. The gentleman from Texas has 1½ minutes remaining.

Mr. FLORES. I want to make sure that we clear up any misconceptions about this bill. This bill does not tell the military that they cannot pursue alternative sources of fuel. What it does is it removes all restrictions that have been placed on the military and on the Federal Government to procure any type of fuel, whether it's based on coal technology, whether it's based on the oil sands from a friendly country next door in Canada. It contains no restrictions. It takes away the restrictions that have manipulated the market and have forced up the cost of energy for the Defense Department.

For instance, the Navy was buying vegetable oil to burn in its ships and aircraft in 2010 at a cost of \$424 per gallon. Last year, this cost was reduced to \$27 a gallon, yet it's still six times higher than what the cost of normal Navy fuel would be.

What this hurts is our personnel readiness; it hurts the ability to buy more tanks, to buy more airplanes, to buy more protective gear for our men and women in the military.

□ 2300

It also hurts our taxpayers. As I said earlier, it keeps the military from being able to even buy fuel from Canadian oil sands next door, which, hopefully, some day, will be transported through the Keystone XL pipeline down to United States refineries.

I want to also talk about what the Defense Department has said.

The Acting CHAIR. The time of the gentleman from Texas has expired.

Mr. FRELINGHUYSEN. Madam Chair, I would like to move to strike the last word and yield some additional time to the gentleman, another 5 minutes, if he is so inclined.

The Acting CHAIR. The gentleman from New Jersey has already used the time available to him by striking the last word.

Mr. VISCLOSKY. Madam Chair, I would be happy to yield the gentleman some time, if he needs it, to close.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding, and I in turn yield to the gentleman from Texas.

Mr. FLORES. Thank you. I should be able to do this in a minute.

A letter from the General Counsel of the Department of Defense to Senator INHOFE says:

The Department of Defense supports Senate 2827, a bill to repeal the requirement with respect to the procurement and acquisition of alternative fuels. The bill would repeal section 526 of the Energy Independence and Security Act of 2007. Section 526 has the potential to generate significant problems for the DOD and its procurement of fuels for the national defense. It creates uncertainty about what fuels the DOD can procure and discourage the development of new sources, particularly reliable domestic sources of energy supplies for the Armed Forces.

Mr. VISCLOSKY. I would simply reiterate my objection to the gentle-

man's amendment so that is clear for the record, and I yield back the balance of my time.

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

The amendment was agreed to.

Mr. FRELINGHUYSEN. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Ms. FOXX, 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. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of in district.

Mr. HEINRICH (at the request of Ms. PELOSI) for today.

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today and June 6 on account of family medical reasons.

#### ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 6, 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:

6281. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule — Further Definition of "Swap Dealer", "Security-Based Swap Dealer", "Major Swap Participant", "Major Security-Based Swap Participant" and "Eligible Contract Participant" [Release No.: 34-66868; File No. S7-39-10] (RIN: 3235-AK65) received May 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6282. A letter from the Secretary, Department of Defense, transmitting Annual Report on the Activities of the Western Hemisphere Institute for Security Cooperation (WHINSEC) for 2011; to the Committee on Armed Services.

6283. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the

Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6284. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6285. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6286. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Philippines pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6287. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6288. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Republic of Korea pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6289. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to South Africa pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6290. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6291. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Head Start Fiscal Monitoring Assessment"; to the Committee on Education and the Workforce.

6292. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting biweekly Iraq Status Reports for the December 26, 2011 to February 25, 2012 period; to the Committee on Foreign Affairs.

6293. A letter from the Secretary, Department of the Treasury, transmitting as required by 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 Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

6294. A letter from the Attorney-Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6295. A letter from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting the 2011 management report and statement of internal controls of the Federal Home Loan Bank of Boston, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6296. A letter from the National Chairman, Naval Sea Cadet Corps, transmitting the 2011 Annual Audit and the 2011 Annual Report of the Naval Sea Cadet Corps (NSCC), pursuant to 36 U.S.C. 1101(39) and 1103; to the Committee on the Judiciary.

6297. A letter from the Chair, Sentencing Commission, transmitting amendments to the federal sentencing guidelines; to the Committee on the Judiciary.

6298. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2011-1225; Directorate Identifier 2010-NM-269-AD; Amendment 39-17019; AD 2012-08-03] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2012-0273; Directorate Identifier 2011-NM-149-AD; Amendment 39-16988; AD 2012-06-07] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Turbofan Engines [Docket No.: FAA-2012-0288; Directorate Identifier 2012-NE-10-AD; Amendment 39-16998; AD 2012-06-17] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1228; Directorate Identifier 2011-NM-176-AD; Amendment 39-17022; AD 2012-08-05] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1224; Directorate Identifier 2011-NM-175-AD; Amendment 39-17021; AD 2012-08-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6303. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2012-0355; Directorate Identifier 2011-SW-013-AD; Amendment 39-17007; AD 2012-07-01] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6304. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Sailplanes [Docket No.: FAA-2011-1342; Directorate Identifier 2011-CE-038-AD; Amendment 39-16996; AD 2012-06-15] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6305. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Division Turbofan Engines [Docket No.: FAA-2011-1194; Directorate Identifier 2011-NE-36-AD; Amendment 39-16999; AD 2012-06-18] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) Turbofan

Engines [Docket No.: FAA-2011-1176; Directorate Identifier 2011-NE-35-AD; Amendment 39-16995; AD 2012-06-14] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6307. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1090; Directorate Identifier 2011-NM-138-AD; Amendment 39-16986; AD 2012-06-05] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6308. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-1414; Directorate Identifier 2011-NM-227-AD; Amendment 39-16982; AD 2012-06-01] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6309. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2007-27223; Directorate Identifier 2006-NM-224-AD; Amendment 39-16976; AD 2012-05-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6310. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes; [Docket No.: FAA-2012-1324; Directorate Identifier 2011-NM-104-AD; Amendment 39-16983; AD 2012-06-02] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6311. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-0913; Directorate Identifier 2011-NM-031-AD; Amendment 39-17010; AD 2012-07-04] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6312. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2011-1113; Directorate Identifier 2009-SW-53-AD; Amendment 39-17005; AD 2012-06-24] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6313. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0025; Directorate Identifier 2010-NM-208-AD; Amendment 39-17012; AD 2012-07-06] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6314. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes [Docket No.: FAA-2007-0109; Directorate Identifier 2007-NM-235-AD; Amendment 39-16990; AD 2012-06-09] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6315. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes Model BD-100-1A10 (Challenger 300) Airplanes [Docket No.: FAA-2011-1064; Directorate Identifier 2011-NM-075-AD; Amendment 39-16984; AD 2012-06-03] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6316. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2009-0908; Directorate Identifier 2009-NM-067-AD; Amendment 39-16987; AD 2012-06-06] (RIN: 2120-AA64) received May 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6317. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Memorandum of Understanding between the United States and the Government of the Hellenic Republic concerning the imposition of import restrictions on Archaeological and Byzantine Ecclesiastical Ethnological Material through the 15th Century A.D., pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

6318. A letter from the Acting Deputy Undersecretary, Department of Labor, transmitting the Department's second biennial report prepared in accordance with section 403(a) of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) Implementation Act; to the Committee on Ways and Means.

6319. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification to Congress regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations, pursuant to Public Law 101-162, section 609(b); jointly to the Committees on Natural Resources and Appropriations.

6320. A letter from the Assistant Attorney General, Department of Justice, transmitting a report required by the Foreign Intelligence Surveillance Act of 1978, pursuant to 50 U.S.C. 1807; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

#### 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. CAMP: Committee on Ways and Means. H.R. 436. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices; with an amendment (Rept. 112-514). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 1004. A bill to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements; with an amendment (Rept. 112-515). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 5842. A bill to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements; with an amendment (Rept. 112-516). Referred to the Committee of the Whole House on the state of the Union.

Mr. CAMP: Committee on Ways and Means. H.R. 5858. A bill to amend the Internal Revenue Code of 1986 to improve health

savings accounts, and for other purposes; with an amendment (Rept. 112-517). Referred to the Committee of the Whole House on the state of the Union.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. CONYERS, Mr. SENSENBRENNER, and Mr. SCOTT of Virginia):

H.R. 5889. A bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLD:

H.R. 5890. A bill to correct a technical error in Public Law 112-122; to the Committee on Financial Services. Considered and passed.

By Mr. CUMMINGS:

H.R. 5891. A bill to amend the Defense Base Act to require the provision of insurance under that Act under a Government self-insurance program, and to require an implementation strategy for such self-insurance program; to the Committee on Education and the Workforce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS (for herself, Ms. DEGETTE, Mr. SMITH of Texas, Mr. MATHESON, Mr. DINGELL, Mr. LATTI, Mr. TERRY, and Mr. MARKEY):

H.R. 5892. A bill to improve hydropower, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIMM (for himself, Ms. LORRETTA SANCHEZ of California, Mr. YODER, Mr. DOLD, Mr. NUNES, Mr. CARNAHAN, and Mr. POLIS):

H.R. 5893. A bill to jump-start economic recovery through the formation and growth of new businesses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Science, Space, and Technology, Appropriations, and Energy and Commerce, 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. FLAKE:

H.R. 5894. A bill to repeal section 4004 of the Patient Protection and Affordable Care Act (authorizing an education and outreach campaign); to the Committee on Energy and Commerce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BASS of California (for herself, Mr. HINOJOSA, Mr. McDERMOTT, Mr. TOWNS, Ms. DeLAURO, Mr. THOMPSON of Mississippi, Mr. CICILLINE, Mr. CONYERS, Mr. CLARKE of Michigan, Mr. JACKSON of Illinois, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. KUCINICH, Mr. JOHNSON of Georgia, Mr. HINCHEY, Mr. CARSON of Indiana, Mr. DAVIS of Illinois, Mr. SABLAN, Mr. RANGEL, Mr. HONDA, Ms. RICHARDSON, Ms. SEWELL, Mr. OLVER, Ms. NORTON, Ms. HAHN, Mr. NADLER, Ms. LEE of California, Mr. REYES, and Mr. TONKO):

H.R. 5895. A bill to provide interest-free deferment on unsubsidized student loans during periods of unemployment, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GIBSON (for himself and Mr. HANNA):

H.R. 5896. A bill to [amend the Rural Electrification Act of 1936, and for other purposes]; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, 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. SABLAN (for himself, Mrs. CHRISTENSEN, Ms. BORDALLO, Mr. PIERLUISI, and Mr. FALEOMAVAEGA):

H.R. 5897. A bill to amend the National and Community Service Act of 1990 to make certain United States territories eligible for nonprofit capacity building grants under that Act; to the Committee on Education and the Workforce.

By Mr. YOUNG of Alaska:

H.R. 5898. A bill to amend the Whaling Convention Act to require the Secretary of Commerce to authorize aboriginal subsistence whaling as permitted by the regulations of the International Whaling Commission and to set aboriginal subsistence catch limits for bowhead whales in the event the Commission fails to adopt such limits, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANKS of Arizona (for himself, Mr. OLSON, Mr. COFFMAN of Colorado, Mr. MANZULLO, Mr. BISHOP of Utah, Mr. JONES, Mr. HUNTER, Mr. MURPHY of Pennsylvania, Mr. WOLF, Mrs. MYRICK, Mr. HARRIS, Mr. FORTENBERRY, Mr. LANDRY, Mr. UPTON, Mr. TIBERI, Mr. LATHAM, Mr. HULTGREN, Mr. JORDAN, Mr. HUIZENGA of Michigan, Mr. PLATTS, Mr. NUGENT, Mr. MCCLINTOCK, Mr. CANSECO, Mr. DUNCAN of South Carolina, Mr. WESTMORELAND, Mr. BONNER, Mr. ROSS of Florida, Mr. PITTS, Mr. LAMBORN, Mr. HARPER, Mr. NUNNELLEE, Mr. FLEMING, and Mr. PALAZZO):

H.J. Res. 110. A joint resolution proposing an amendment to the Constitution of the United States relating to parental rights; to the Committee on the Judiciary.

By Mr. MARKEY (for himself and Mr. GINGREY of Georgia):

H. Res. 674. A resolution expressing support for designation of June 2012 as "National Aphasia Awareness Month" and supporting efforts to increase awareness of aphasia; to the Committee on Energy and Commerce.

By Mr. RIGELL:

H. Res. 675. A resolution expressing the sense of the House of Representatives that, as part of any agreement on Medicare reform, Medicare should not be changed for any citizens of the United States over the age of 55 and any agreement should provide a detailed plan to end waste, fraud, and abuse in the program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself and Mr. BILIRAKIS):

H. Res. 676. A resolution to expose and halt the Republic of Turkey's illegal colonization of the Republic of Cyprus with non-Cypriot populations, to support Cyprus in its efforts to control all of its territory, to end Turkey's illegal occupation of northern Cyprus, and to exploit its energy resources without

illegal interference by Turkey; to the Committee on Foreign Affairs.

By Mr. LAMBORN:

H. Res. 677. A resolution expressing the sense of the Congress regarding the anniversary of the United States Supreme Court decision in the case of *District of Columbia v. Heller*; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, Mr. HANNA, Mr. RIVERA, and Mr. BRADY of Texas):

H. Res. 678. A resolution congratulating the United States Chamber of Commerce on its 100th anniversary; to the Committee on Energy and Commerce.

### PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. BUERKLE introduced a bill (H.R. 5899) for the relief of Zenon Kolenda and Oryssa Bilyanska Kolenda; which was referred to the Committee on the Judiciary.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SMITH of Texas:

H.R. 5889.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, of the Constitution

Article I, Section 8, Clause 3, of the Constitution

Article II, Section 2, Clause 2, of the Constitution

By Mr. DOLD:

H.R. 5890.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the general welfare of the United States); and Article I, Section 8, Clause 3 (relating to the power to regulate interstate commerce).

By Mr. CUMMINGS:

H.R. 5891.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States and Article I, Section 9, giving Congress the authority to control the expenditures of the federal government.

By Mrs. MCMORRIS RODGERS:

H.R. 5892.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority in which this bill rests is the power of the Congress to regulate Commerce as enumerated by Article I, Section 8, Clause 3 as applied to waterways for the development of hydroelectric power and flood control.

By Mr. GRIMM:

H.R. 5893.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. FLAKE:

H.R. 5894.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution—To make all Laws



which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Article 1, Section 9, Clause 7 of the United States Constitution, which states, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law".

By Ms. BASS of California:

H.R. 5895.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 1.

Article I. Section 8. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

By Mr. GIBSON:

H.R. 5896.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution. Specifically Clause 1 (which relates to the power of Congress to provide for the general welfare of the United States) and Clause 3 (which relates to the power to regulate interstate commerce).

By Mr. SABLAN:

H.R. 5897.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, section 8, clause 3 and Article IV, section 3, clause 2 of the Constitution.

By Mr. YOUNG of Alaska:

H.R. 5898.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3.

Ms. BUERKLE:

H.R. 5899.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4 of the Constitution asserts that "Congress shall have the Power . . . To establish a uniform Rule of Naturalization." In other words, Congress shall have the power to determine who has the right to enter and remain in the United States.

By Mr. FRANKS of Arizona:

H.J. Res. 110.

Congress has the power to enact this legislation pursuant to the following:

The Parental Rights Amendment is introduced pursuant to Article V: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . ."

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. CLARKE of Michigan.

H.R. 85: Mr. HINOJOSA.

H.R. 139: Mr. KIND.

H.R. 459: Mr. FLEISCHMANN, Mrs. EMERSON, Mr. HARPER, Mrs. CAPITO and Mr. KING of Iowa.

H.R. 530: Mr. SERRANO.

H.R. 816: Mr. MCCAUL.

H.R. 860: Ms. HIRONO, Ms. WASSERMAN SCHULTZ and Mr. KLINE.

H.R. 905: Mr. PASCRELL.

H.R. 997: Mr. LABRADOR.

H.R. 1006: Mr. DENT.

H.R. 1041: Mr. CHANDLER.

H.R. 1063: Mr. THOMPSON of California.

H.R. 1327: Mr. PENCE and Mr. BRADY of Pennsylvania.

H.R. 1348: Mr. MCINTYRE.

H.R. 1370: Mr. CANSECO and Mr. BARTON of Texas.

H.R. 1426: Mr. GOODLATTE and Mrs. MCMORRIS RODGERS.

H.R. 1448: Mr. MILLER of North Carolina and Mrs. LOWEY.

H.R. 1489: Ms. CHU.

H.R. 1543: Mr. WELCH.

H.R. 1653: Mr. NUNNELEE.

H.R. 1675: Ms. JACKSON LEE of Texas.

H.R. 1681: Mr. VAN HOLLEN.

H.R. 1733: Mr. MEEHAN, Mr. GEORGE MILLER of California, Ms. LEE of California and Ms. HIRONO.

H.R. 1735: Mr. RANGEL.

H.R. 1878: Ms. LORETTA SANCHEZ of California.

H.R. 1912: Mr. YARMUTH.

H.R. 1940: Mrs. HARTZLER.

H.R. 1956: Mr. ROKITA.

H.R. 1964: Ms. HOCHUL.

H.R. 2077: Mr. BONNER and Mr. CONAWAY.

H.R. 2104: Mrs. CAPPS and Mr. TERRY.

H.R. 2315: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. PERLMUTTER.

H.R. 2327: Mr. AMODEI.

H.R. 2382: Mr. KEATING, Mr. QUIGLEY, and Mr. POLIS.

H.R. 2524: Mr. CARNAHAN.

H.R. 2569: Mr. LUETKEMEYER and Mr. GRIF-FITH of Virginia.

H.R. 2637: Ms. BASS of California.

H.R. 2705: Mr. MURPHY of Connecticut.

H.R. 2721: Mr. CLEAVER, Mr. CLAY, Mr. DAVID SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD and Ms. BROWN of Florida.

H.R. 2866: Mr. TURNER of Ohio.

H.R. 2962: Mr. HOLDEN and Mr. WALBERG.

H.R. 2966: Mr. CHANDLER.

H.R. 2970: Mrs. LOWEY.

H.R. 2982: Mr. SCHOCK.

H.R. 3015: Mr. CLAY and Mr. NADLER.

H.R. 3032: Mr. REHBERG and Mr. JONES.

H.R. 3187: Mr. AUSTIN SCOTT of Georgia, Mr. RUPPERSBERGER, Ms. SCHWARTZ, Mr. NEAL, Mr. HARPER and Mr. HOLT.

H.R. 3242: Mr. CAPUANO and Ms. CHU.

H.R. 3275: Mr. MCINTYRE.

H.R. 3395: Mr. JOHNSON of Ohio.

H.R. 3444: Mrs. ELLMERS.

H.R. 3485: Mr. CLARKE of Michigan, Mr. CONNOLLY of Virginia and Mr. LOEBSACK.

H.R. 3513: Ms. CHU.

H.R. 3596: Ms. WASSERMAN SCHULTZ and Mrs. MCCARTHY of New York.

H.R. 3618: Mr. MORAN.

H.R. 3627: Mr. JACKSON of Illinois.

H.R. 3660: Mr. JOHNSON of Georgia.

H.R. 3662: Mr. DAVIS of Kentucky and Mr. FLORES.

H.R. 3668: Mr. COURTNEY and Mrs. DAVIS of California.

H.R. 3797: Mr. GARRETT.

H.R. 3798: Ms. LINDA T. SANCHEZ of California.

H.R. 3803: Mr. THORNBERRY.

H.R. 3809: Mr. GARRETT.

H.R. 3839: Mr. YODER and Ms. ZOE LOFGREN of California.

H.R. 3867: Mr. CAMPBELL.

H.R. 3903: Mr. BRALEY of Iowa.

H.R. 4017: Mr. MEEHAN and Mr. CARNEY.

H.R. 4018: Mr. CONYERS.

H.R. 4055: Mr. PETERS and Mr. ISRAEL.

H.R. 4057: Mr. RYAN of Ohio.

H.R. 4066: Mr. MCGOVERN.

H.R. 4078: Mr. DUNCAN of South Carolina.

H.R. 4103: Mrs. LOWEY and Mr. COBLE.

H.R. 4122: Ms. ESHOO, Mr. CLARKE of Michigan and Mr. CAMPBELL.

H.R. 4169: Mr. GRIJALVA.

H.R. 4170: Mr. NADLER and Mr. DAVIS of Illinois.

H.R. 4192: Mr. TIERNEY.

H.R. 4209: Mr. CICILLINE.

H.R. 4227: Mr. CICILLINE, Ms. FUDGE, Mr. FILNER, Ms. BASS of California, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. DINGELL and Mr. LYNCH.

H.R. 4235: Mr. PERLMUTTER.

H.R. 4277: Mr. SERRANO, Mr. MCGOVERN and Mr. THOMPSON of Mississippi.

H.R. 4282: Mr. TIBERI, Mr. BRADY of Texas and Ms. NORTON.

H.R. 4305: Mrs. EMERSON and Mr. BOREN.

H.R. 4323: Mr. LOEBSACK.

H.R. 4330: Mr. RIBBLE.

H.R. 4336: Mr. PRICE of Georgia and Mr. HUIZENGA of Michigan.

H.R. 4350: Mr. PRICE of North Carolina.

H.R. 4381: Mrs. BLACK, Mr. DUNCAN of South Carolina, Mr. LAMBORN, Mr. COFFMAN of Colorado, Ms. FOXX and Mr. NUNNELEE.

H.R. 4382: Mrs. BLACK, Mr. JOHNSON of Ohio, Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Mr. TIPTON, Mr. LAMBORN, Mr. DENHAM and Ms. FOXX.

H.R. 4383: Mrs. BLACK, Mr. JOHNSON of Ohio, Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Mr. COFFMAN of Colorado, Mr. TIPTON and Mr. DENHAM.

H.R. 4386: Mr. MCCLINTOCK.

H.R. 4402: Mr. GARDNER, Mr. REHBERG, Mrs. LUMMIS and Mr. PEARCE.

H.R. 4405: Mr. DEUTCH, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. TURNER of New York and Mr. KEATING.

H.R. 4471: Mr. REHBERG, Mr. JOHNSON of Ohio, Mr. BERG and Mr. GRIFFIN of Arkansas.

H.R. 4480: Mr. GRIFFIN of Arkansas, Mr. DUNCAN of South Carolina, Ms. FOXX, Mr. NUNNELEE and Mr. LATHAM.

H.R. 4481: Mr. AMODEI.

H.R. 4965: Mr. FINCHER, Mr. BRADY of Texas and Mr. ALTMIRE.

H.R. 4972: Mr. STARK.

H.R. 5381: Mrs. LUMMIS, Mr. COLE and Mr. MCCLINTOCK.

H.R. 5546: Mr. RANGEL.

H.R. 5707: Mr. BRADY of Pennsylvania and Mr. MCGOVERN.

H.R. 5738: Mr. LEVIN.

H.R. 5741: Mr. PETERS.

H.R. 5748: Ms. MOORE, Ms. ROYBAL-ALLARD and Ms. SPEIER.

H.R. 5749: Ms. PINGREE of Maine, Mr. HONDA, Mr. OLVER, Ms. SLAUGHTER and Mr. BLUMENAUER.

H.R. 5791: Mr. GOSAR, Mr. FRANKS of Arizona, Mr. SCHWEIKERT and Mr. MCCLINTOCK.

H.R. 5796: Mr. POE of Texas and Mr. CHABOT.

H.R. 5842: Mr. DAVIS of Kentucky and Mr. BILBRAY.

H.R. 5844: Mr. POE of Texas.

H.R. 5859: Mr. OLSON and Mr. SCHRADER.

H.R. 5870: Ms. CHU.

H.R. 5872: Mr. SCHILLING, Mr. HARRIS, Mr. COFFMAN of Colorado, Mrs. ROBY, Mr. LAMBORN and Mr. NUNNELEE.

H.J. Res. 47: Mr. CLARKE of Michigan and Mr. RUPPERSBERGER.

H. Con. Res. 21: Mr. HALL.

H. Con. Res. 127: Mr. OLSON, Mr. BUTTERFIELD, Mr. MCKINLEY, Mrs. MCMORRIS RODGERS, Mr. RUSH, Ms. SPEIER, Mr. GUTHRIE, Mr. TOWNS, Mr. SCALISE, Mr. POMPEO, Mrs. CAPPS, Mr. BARTON of Texas, Mr. WHITFIELD, Mr. ENGEL, Ms. DEGETTE, Mr. DOYLE, Mr. GINGREY of Georgia, Mr. JONES, Mr. PITTS, Mr. MURPHY of Pennsylvania, Mr. HARPER and Mr. GARDNER.

H. Res. 134: Mr. MURPHY of Connecticut.

H. Res. 282: Mr. JACKSON of Illinois and Mr. CLAY.

H. Res. 298: Mr. LYNCH and Mr. CASSIDY.

H. Res. 506: Mr. JONES and Mr. WEST.

H. Res. 532: Mr. Sam JOHNSON of Texas.

H. Res. 583: Mr. MCNERNEY.

H. Res. 618: Ms. HIRONO, Mr. WEST and Mr. LARSON of Connecticut.

H. Res. 652: Mr. MCGOVERN.  
H. Res. 655: Mr. BRADY of Pennsylvania, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. RICHARDSON and Mr. GRIJALVA.

H. Res. 663: Mr. ROTHMAN of New Jersey, Mr. CHABOT, Mr. CARNAHAN, Mr. SIRES, Mr. CONNOLLY of Virginia, Mr. SCHIFF, Mr. CROWLEY, Mr. HOLT, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY, Mr. SHERMAN, Mr. ACKERMAN, Mr. MEEKS, Ms. RICHARDSON, Mr. BURTON of Indiana, Mr. NADLER and Mr. GENE GREEN of Texas.

H. Res. 669: Mr. MURPHY of Pennsylvania and Mr. JOHNSON of Ohio.

#### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Submitted June 1, 2012]

H.R. 5325

OFFERED BY: MR. HARRIS

AMENDMENT No. 18: At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independ-

ence and Security Act of 2007 (42 U.S.C. 17337).

[Submitted June 5, 2012]

H.R. 5325

OFFERED BY: Mrs. LUMMIS

AMENDMENT No. 19: At the end of the bill (before the short title) insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to plan or undertake sales, trades, barter, or transfers of uranium from the Department of Energy in total amounts that in fiscal year 2013 exceed 1,917 metric tons of uranium as uranium hexafluoride equivalent.

H.R. 5325

OFFERED BY: MR. GARDNER

AMENDMENT No. 20: Page 29, line 10, insert before the period at the end the following:

: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Energy to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7))

H.R. 5325

OFFERED BY: MR. MATHESON

AMENDMENT No. 21: Page 25, line 5, after the dollar amount, insert "(increased by \$9,600,000)".

Page 30, line 5, after the dollar amount, insert "(reduced by \$9,600,000)".

H.R. 5325

OFFERED BY: MR. DENHAM

AMENDMENT No. 22: At the end of the bill, before the short title, insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to implement section 10011(b) of Public Law 111-11.

H.R. 5325

OFFERED BY: MR. KUCINICH

AMENDMENT No. 23: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available under this Act may be used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513), and the amount otherwise appropriated by this Act for "Title 17 Innovative Technology Loan Guarantee Program" is hereby reduced by \$33,000,000.

H.R. 5855

OFFERED BY: MR. TERRY

AMENDMENT No. 1: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for the designation of critical infrastructure in the banking, telecommunications, or energy sector for cybersecurity purposes.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, TUESDAY, JUNE 5, 2012

No. 83

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

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

Let us pray.

Almighty God, as our lawmakers seek to meet their responsibilities, give them the awareness to look not only to the immediate needs and the concerns of the moment but to be enlightened by the majesty of Your creation and Your eternal spirit. Strengthened by Your spirit, give them the wisdom to refuse to do anything which would bring them regret, remorse or shame. May they never do anything they would have to hide and about which they should be ashamed that others should know.

Lord, today we confess our human inadequacies and our need for You to infuse us with Your strength. May this be a day in which we all sense Your presence and receive Your power.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, June 5, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### PAYCHECK FAIRNESS ACT— MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I move to proceed to Calendar No. 410, S. 3220.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows: Motion to proceed to Calendar No. 410, S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, we are now on the motion to proceed to the Paycheck Fairness Act.

Following my remarks and those of the Republican leader, the time until 12:30 will be equally divided. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes.

The Senate will recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

I ask unanimous consent the cloture vote on the motion to invoke cloture on the motion to proceed to S. 3220 occur at 2:30 p.m. and that the time from 2:15 p.m. until 2:30 p.m. be equally divided between the two leaders, with the majority controlling the final half.

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

Mr. REID. Mr. President, as I indicated, we are on the Paycheck Fairness Act, and we will have that cloture vote at 2:30 p.m. today.

Mr. REID. Mr. President, most Americans believe if they get an education, they work hard and play by the rules, they will have a fair shot at success. But for millions of American women, no amount of talent or dedication will bring pay equality with their male co-workers. In the minds of many employers, they simply are not equal.

American women take home 77 cents for every \$1 their male colleagues earn for doing the exact same work. That stunning fact holds true whether the woman has a college degree, regardless of how many hours she spends in the office each week or on some manufacturing floor and regardless of what job she holds—77 cents applies.

But listen to this. If she is an African-American or Hispanic woman, the disparity is even starker. African-American women make 62 cents on the dollar and Hispanic women 54 cents on the dollar compared to White men working the same hours and doing the same jobs. They are not working at different jobs; these are the exact same jobs. If someone is Hispanic and they are a woman, they get about half as much as a man doing the same job. If they are African American, they get about 62 cents compared to every \$1 a man makes.

While landmark pieces of legislation such as the Equal Pay Act and the Lilly Ledbetter Fair Pay Act have narrowed the pay gap, they have not closed the gap, and that is obvious by the numbers I just announced to the Senate. So Congress must do more. This act that is before the Senate would give workers stronger tools to combat wage discrimination.

One of the tools of retaliation employers have is they fire workers if they discuss how much they make with another worker. Our legislation would bar retaliation against workers for discussing salary information. Why do we

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



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have this in the bill? We have this landmark legislation that we had to pass because the Supreme Court ruled against Lilly Ledbetter.

Lilly Ledbetter is a woman who worked in Alabama for many years, and she didn't know she was being paid far less than her male counterparts who did the same work. So when she learned of this, she filed a lawsuit in the Supreme Court, and the Supreme Court said: Sorry, Lilly. You didn't file it in time; the statute of limitations has run, meaning she had to file within a certain period of time.

We have many different places in the law where we do not start tolling the statute until someone learns something is wrong. For example, we had to go back on medical malpractice cases where people were treated negligently by physicians, but the poor patient didn't realize this until long after. For example, in the State of Nevada, there is a 2-year statute of limitations. So we changed that in most places in the country, and we need to make sure people understand, in this instance—now that we passed the Lilly Ledbetter legislation—the time doesn't start running until one has learned they are being cheated.

Our legislation would bar retaliation against workers for discussing salary information, and it would help secure adequate compensation for victims of gender-based pay discrimination. Let's look at the State of Nevada. Over their lifetimes, Nevada women will earn about \$475 million less than their male counterparts—almost \$500 million.

This is not just an issue for women; it is a family issue. Why? Because every year millions of American families are cheated out of money they could spend on groceries, rent, and gas. Every year wage discrimination puts almost 400,000 Nevada children at risk.

For many families in Nevada and across the country a woman is the only income generator in that family. For many more women that person is the primary breadwinner. Yet Republicans have vowed to block this legislation. It is in all the news today. Every headline in the news talks about this bill coming up today and the Republicans are saying they are going to vote against it because it creates too much bookwork.

They vowed to block legislation that would even the playing field and help women provide for their families even though Americans overwhelmingly support this legislation. Nine out of ten Americans—including 81 percent of men and 77 percent of the Republicans—support pay equity legislation.

Once again, the only Republicans who are against our commonsense measure are the ones who are in Congress in Washington. Even Mitt Romney has refused to publicly oppose this legislation. He may oppose it, but he is afraid to say anything about it. Why? Because it is obvious why. He should show some leadership. In my opinion, Governor Romney should tell his fellow Republicans that opposing fair pay for

all Americans is shameful. Instead, no one knows where he stands, but we know where Democrats stand. Everyone knows. We stand firmly on the side of equality for every working woman.

Democrats stand with middle-class women who are working to keep their families afloat during these difficult times. We stand with young women pursuing a college education who are hoping to get a good-paying job when they graduate. We stand with little girls whose mothers taught them there is no limit to their dreams.

This evening Americans will see where Republicans stand on this issue. It is unfortunate they, once again, favor obstruction over equality.

RECOGNITION OF THE REPUBLICAN LEADER

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

STUDENT LOANS

Mr. MCCONNELL. Mr. President, I would like to continue to discuss the student loan issue this morning because the administration's approach to this problem is nothing short of surreal.

I have in my hand a letter that has been signed by the top four Republicans in Congress: Speaker BOEHNER, Leader CANTOR, minority whip JON KYL, and myself. It lists no fewer than four good-faith bipartisan proposals to resolve the issue, all of which are based on offsets the President has proposed himself in the past.

Let me say that again: We have recommended to the President four offsets that he, himself, has proposed in the past to achieve what we all want to achieve, which is a 1-year extension of the current student loan interest rates. We sent this letter to the President 5 days ago. Yet we have now learned that in spite of the fact they have a proposal recommending that on a bipartisan basis we accept offsets that they have previously recommended, we have now learned the Vice President will have a group of college presidents over to the White House today to "reassert the call for Congress to stop the student loan interest rate from doubling."

Congress has acted. We have given the administration four offsets they previously proposed. We are waiting for a response so we can solve this problem. Why doesn't the Vice President simply pick up the phone, choose one of the proposals we laid out in our letter, and then announce at the meeting the problem has been resolved? That way he will give these folks some good news to bring back to their campuses instead of just asking them to be props in this elaborate farce the White House political team cooked up on this issue. It is an elaborate farce. This can be solved very easily with offsets the administration itself has recommended.

The only people dragging their feet on this issue are over at the White House. Republicans in Congress have been crystal clear for weeks. We are ready to resolve the issue to give students the certainty they need about

their loan payments. The President may find it politically useful to keep these young people off-balance, but we don't think they should have to wait another day. It is inexcusable for the President to allow this impasse to persist. That is why we bent over backward to find a solution, and it is simply disingenuous for the President to claim otherwise, which brings me to larger point.

We all realize the President is concerned about his reelection. I understand he is placing a higher priority on fundraising and trying to make Republicans look bad as he ramps up to November. I get his rationale for running a negative campaign. If I were he, I wouldn't want to brag about my record either. I get it. But I would remind him he is still the President, even though the campaign is going on, and that Americans are looking for leadership and the economic problems we face will only get worse if he avoids them for 6 more months.

So whether it is the student loan issue or the prospect of a massive tax hike at the end of the year, Republicans are ready to work with the President to provide the kind of certainty the American people need right now. But it is a two-way street. We will never solve these problems if the President continues to mislead the American people about what Republicans in Congress are willing and eager to do to help.

Mr. President, I ask unanimous consent to have the letter I previously referred to printed in the RECORD.

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

CONGRESS OF THE UNITED STATES,  
Washington, DC, May 31, 2012.

The PRESIDENT,  
The White House, Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: Earlier this year you asked Congress to extend for another year the reduced interest rate for subsidized Stafford student loans. Last month the House of Representatives passed a bill to do just that and to pay for the cost with a repeal of the Prevention and Public Health Fund created as part of the Patient Protection and Affordable Care Act. Despite the fact that you have previously signed into law legislation reducing this fund by \$5 billion to offset the cost of preventing a reduction in Medicare physician payments, your Administration indicated that you would veto a bill that would use additional savings from the fund to offset the cost of extending lower student loan interest rates.

More recently, Senate Majority Leader Reid and his conference have put forward a proposal to pay for extending the reduced interest rate by raising taxes on small businesses. As you know, this proposal cannot pass the Senate and is unacceptable to the House of Representatives.

We believe our alternative is reasonable and responsible, but in the interest of finding common ground on a way to pay for a one year extension of the current student loan interest rate we are open to other solutions that we have all supported in the past.

The non-partisan Congressional Budget Office has estimated that a one-year extension will increase the deficit by \$5.985 billion over

the 2012 to 2017 budget window. We have reviewed your Fiscal Year 2013 budget request, and based on areas of common agreement we believe it is possible to fully offset this cost by 2018 with additional savings in the ten year window and beyond dedicated to much-needed deficit reduction.

We have attached two options for fully offsetting the cost of extending the student interest rate reduction. The policies in both options are either policies that you recommended in their entirety or a subset of a policy you recommended. We are prepared to support either option.

There is no reason we cannot quickly and in a bipartisan manner enact fiscally responsible legislation.

Sincerely,

JOHN BOEHNER,  
ERIC CANTOR,  
MITCH MCCONNELL,  
JON KYL.

ATTACHMENT  
OPTION 1

Student Loan Interest Rate: Extend for one year (July 1, 2012 to June 30, 2013) the 3.40 percent interest rate for new subsidized Stafford student loans. (CBO estimates this proposal will increase the deficit by \$5.985 billion over the 2012 to 2017 period and \$5.985 billion over the 2012 to 2022 period.)

Increase Federal Employee Retirement Contributions: As part of the Fiscal Year 2013 Budget, the Administration proposes to increase current employee contributions to the Civil Service Retirement System (CSRS) and the Federal Employee Retirement System (FERS) by 0.4% in each of the next three calendar years—2013, 2014, and 2015—for a cumulative increase of 1.2% of pay over current contributions. The House of Representatives has passed a substantially larger increase in contributions (5% over current law levels phased-in over five years for regular CSRS and FERS employees) as part of the Sequester Replacement Reconciliation Act. (CBO estimates that the Administration's proposal would reduce the deficit by \$8 billion over the 2012 to 2017 period and \$18 billion over the 2012 to 2022 period. Note: This estimate reflects that contribution levels have already been increased for new hires as part of the Middle Class Tax Relief and Job Creation Act, Public Law 112-96.)

OPTION 2

Student Loan Interest Rate: Extend for one year (July 1, 2012 to June 30, 2013) the 3.40 percent interest rate for new subsidized Stafford student loans. (CBO estimates this proposal will increase the deficit by \$5.985 billion over the 2012 to 2017 period and \$5.985 billion over the 2012 to 2022 period.)

Limit Length of In-School Interest Subsidy: As part of the Fiscal Year 2013 Budget, the Administration proposes to limit the duration of borrowers' in-school interest subsidy for subsidized Stafford loans to 150 percent of the normal time required to complete their educational programs. According to the Department of Education, "The Budget request eliminates the in-school interest subsidy for borrowers who do not complete their program within 150 percent of their program length. Beyond that point, these borrowers no longer receive the interest subsidy for the Subsidized Stafford loans they have taken out, and interest will immediately begin to accrue on these loans. As with the 12 semester Pell limitation enacted this fall, students who attend school half-time would have their benefits adjusted accordingly." (CBO estimates that the Administration's proposal would reduce the deficit by \$475 million over the 2012 to 2017 period and \$1.055 billion over the 2012 to 2022 period.)

Revise Medicaid Provider Tax Threshold: Under current law, states may not tax health

care providers and return the tax revenues to those same providers through higher Medicaid payment rates or through other offsets and guarantees (known as a "hold harmless" arrangement). An exception to this provision is that the federal government will not deem a hold harmless arrangement to exist if the provider taxes collected from given providers are less than 6 percent of the providers' revenues. As part of the Fiscal Year 2013 Budget, the Administration proposes to phase down the Medicaid provider tax threshold to 3.5% from Fiscal Year 2015 to Fiscal Year 2017. The House-passed Sequester Replacement Reconciliation Act would lower the allowable percentage threshold to 5.5 percent starting in 2013. (CBO estimates that the House-passed proposal would reduce the deficit by \$4.65 billion over the 2012 to 2017 period and \$11.3 billion over the 2012 to 2022 period.)

Improve Collection of Pension Information from States and Localities: Both the Administration's Budget Proposal for Fiscal Year 2013 and the House-passed Middle Class Tax Relief and Job Creation Act (December 2011) include a proposal to prevent Social Security overpayments by improving coordination with States and local governments. By requiring State and local government pension payers to identify whether a worker's pension is based on government employment, the Social Security Administration (SSA) can improve enforcement of two benefit offset provisions affecting certain government workers. (CBO estimates that the Administration's proposal would reduce the deficit by \$358 million over the 2012 to 2017 period and \$2 billion over the 2012 to 2022 period.)

WAR ON COAL

Mr. MCCONNELL. Mr. President, hearings on the Environmental Protection Agency's regulatory agenda will be held in Kentucky this week. One hearing will be held today in Frankfort and another later this week in Pikeville. Since Congress is in session this week, I will not be able to attend these important hearings in person, but I will have a representative on hand at each hearing, and I wish to express my thoughts on the matter on the Senate floor.

Similar to most of the country, Kentucky is suffering from very difficult economic times. Far too many Kentuckians are unemployed, and the prospect for future employment remains daunting. That is why it is especially irritating that this administration has blindly followed ideological policies that eliminate jobs in our communities. The people of Kentucky are amongst the hardest working people on the planet, but how can they be expected to compete if our own government is actually working against them?

Simply put, my constituents are under siege from the Obama administration's regulatory agenda, and the EPA is the worst offender—the very worst.

Perhaps the clearest example of this administration's regulatory assault is its war on coal. Since being sworn in, President Obama's EPA has set out to circumvent the will of Congress and the American people by turning the already cumbersome mine permitting process into a backdoor means of shutting down coal mines. Mr. President,

18,000 Kentuckians work in coal mining, and nearly 200,000 more, including farmers, realtors, and transportation workers, rely on the coal industry for their jobs. Coal brings in more than \$3.5 billion from out of State and pays more than \$1 billion in direct wages every year. Attacking an industry so important to Kentucky will only succeed in putting people out of work, impeding future job growth, and increasing energy prices.

A former senior EPA official under the Obama administration recently summed up the regulatory philosophy of the Agency with respect to those working in the coal business by saying it wants to "crucify" them. Let me say that again. This was a regulator, with respect to those working in the coal business, saying it wants to "crucify" them. With this radical environmental antioil agenda, it is no wonder the administration has failed to answer the call of the American people for greater domestic energy production. The real-world impact of their fantasy world energy policy is that people are losing their jobs and energy prices will rise even further.

It is high time the Obama administration stop treating the Kentucky coal industry as the problem and start recognizing that it has been and will continue to be part of the solution.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

Under the previous order, the time until 12:30 p.m. will be equally divided and controlled by the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I come to the floor today to urge my colleagues to affirmatively and unashamedly vote for cloture on the Paycheck Fairness Act that we wish to bring before the Senate. This is part of a very long march the women of the United States of America have been walking for a very long time.

In 1963 President Lyndon Johnson wanted to create a great society, and he envisioned three civil rights acts to right the wrongs of the past. One was equal pay—the Equal Pay Act—which would ensure that women would get equal pay for equal work. The second was the benchmark Civil Rights Act, and the third was the Voting Rights Act.

Lyndon Johnson picked the Equal Pay Act as his first action because he felt it would be one of the easier ones to pass and to implement. Little did he know that the corporate wrath that was against women in the past would come to that legislation. However, a Democratically controlled Senate moved that bill and began the long march for civil rights. But guess what happened in the ensuing 49 years. On

June 10, 1963, President Johnson signed that bill. Forty-nine years later, women still make less than men. Women in the United States of America make only 77 cents for every dollar men make doing the same job. This is unfair, and it is un-American.

Remember from where we have come. Everybody likes to say to us: Oh, you have come a long way. Well, we don't think we have come a long way. We have only gained 18 cents in 49 years. In 1963 we made 59 cents for every dollar men made, and now it is 77 cents. So what does that mean? It means every 5 years we make an advancement of one penny.

Oh, no. No more. We are just not going to take it anymore.

When I talk to my constituents, they say to me that they are mad as hell and they don't want to take it anymore. They go to school, they get the job, they do the job, they want to be paid for the job, and we agree with them. We want to do it not only with words, but we want to do it with deeds, and we want to pass the Paycheck Fairness Act that would ensure equal pay.

Women fight every day for equal pay, and when they do, they are side-lined, red-lined, and pink-slipped. Right now in the marketplace, it is legal to fire a woman if she asks about pay, whether she goes to the personnel director or whether she asks the person next to her at the water cooler. Women are often harassed and intimidated for just asking: What do you make for the work you do? So we are ready to fight for women to get equal pay, and the best way to do it is to do it right here on the Senate floor.

People say to me: Senator BARB, you led the fight on Lilly Ledbetter. Didn't that solve all the problems?

It solved a big problem. We made a downpayment to keep the courthouse door open for women who are discriminated against, but it did not close the loopholes that were in the original Civil Rights Act. What Lilly Ledbetter did was change the statute of limitations to file a lawsuit from the date of each discriminatory paycheck. Now we need to pass paycheck fairness to close the loopholes that allow discrimination to happen in the very first place.

What does this bill do? It is actually very simple. If we listened to the right-wing pundits, we would think this is complicated and it is going to rend asunder the American economy and so on. This is fundamental fairness.

What does it do? First of all, no longer will employers be able to retaliate against workers for sharing information about wages. Remember what I said earlier: If you ask someone how much they get paid, you can get fired. For years, Lilly Ledbetter and those she represents were humiliated and harassed for just asking questions. No longer will women be able to seek only back pay when they are discriminated against; they will also be able to seek punitive damages. No longer will em-

ployers be able to use almost any reason to justify paying a woman less: Oh, the guys do harder jobs; oh, the guys do dangerous jobs; oh, they have a better education. We are talking about equal pay for equal work that requires the same education. No longer will women be on their own because we are going to include various education and training programs.

As I said, in 1963 we made 59 cents for every dollar men made. Women now make 77 cents compared to every dollar a man makes. That is not progress. The consequences of this are severe.

What does this mean? Well, let's take the college graduate, the woman who has had the benefit and privilege of an education. It starts the minute she tosses her hat in the air. When she goes for that job, say, in information technology or even in some of the innovative economic fields, she will be making less. At the rate we are going, by the time she retires there will be a \$434,000 income pay gap. This is serious because it not only affects one's income as one goes through life, but it affects one's Social Security and it affects one's pension. It affects absolutely everything. The negative impact multiplies. It is like compound interest in reverse. It is compound disinterest. It is compounded unfairness. So these are real grievances. That is why the Paycheck Fairness Act will be able to do this.

When we look at the life of being a woman, we women know that being a woman often means we pay more. We certainly pay more for health insurance than men with the same coverage for the exact same age or health status. What does that mean? It means women pay estimates of thousands of dollars more in medical insurance over their lifetime. We are often on the hook for childcare, and there are a variety of things on which we could elaborate.

I believe people should be judged in the workplace for skills and competence and that once you get the job and you show you can do the job, you should be paid to do that job.

For my colleagues who argue that 20 cents per hour doesn't matter, let me share some numbers. That means \$4,000 less per year for a working family, \$434,000 over a lifetime. It means we get paid 23 percent less than a man doing the same work who has the same education.

The Presiding Officer is a smart guy. He knows that when women go to get a mortgage, we don't get a 23-percent discount. When we go to buy food, we don't get a 23-percent discount. When we go to pay our utility bills, they don't say: Oh, you are paid less, so we are going to give you a discount. No. We get charged the same, and often more, but we are paid less.

We are not going to accept being paid less. We are paying attention to this problem. We have listened to the voices of the people. This isn't just Senator BARB sounding off on her women's

rights agenda. My women's rights agenda is about the economic empowerment of women, so they have a chance in this great country to be able to move ahead.

I listened to a constituent in Silver Spring with years of teaching experience, and even in public employment, she was paid less.

Then we listened to a trauma surgeon who e-mailed me from Florida—highly educated. She filed suit because she found out that a male surgeon doing the exact same surgery was paid \$25,000 more than she was.

Another woman e-mailed me from Virginia. She claimed she was told by her supervisor that hiring a woman would simply be a liability. You are going to get pregnant. You are going to miss work. We don't know if we want you here. That is a whole other issue. Then she said: We don't need to pay you that. You don't head up a household, so why should you get the same money as some guy who does head up a household?

We have faced old prejudices, but we are in a new economy and in a new world. More and more women are in the workplace, we want to be treated with respect, and we want to have equal pay for equal work.

Mr. President, I note that my colleague Senator MURRAY is here. I yield her 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I wish to start off by giving a true and heartfelt thank-you to Senator MKULSKI. There is no denying she is such a strong and steadfast leader on this issue, and we all so appreciate it. So I am very proud to come to the Senate floor this morning with her and many others to strongly support the Paycheck Fairness Act and to urge Republicans to join with us to pass this critical bill.

Over the past few months, many of us have stood together to fight back against partisan attacks on policies that impact women across America. We have not started these fights, but we were not going to stand by and watch as others tried to roll back the clock. But every time we stood up to defend women, our friends on the other side of the aisle would jump right up and say we were creating distractions or manufactured issues. They said we should be focused on the economy, as if we were the ones changing the subject and making the partisan attacks. Well, we are not going to stop standing up for women and families.

To those of our colleagues who claim to be so concerned about the economy and the middle class, now is their chance to prove to their constituents that they really mean what they say because the Paycheck Fairness Act is not just about women and it is not just about fairness, it is about the economy. When women are not paid what they deserve, middle-class families and communities pay the price.



In 1963 the Equal Pay Act marked one of the first steps toward narrowing the gap between men and women. In 2009 this Senate took another step by passing the Lilly Ledbetter Fair Pay Act to reverse the Supreme Court's *Ledbetter v. Goodyear* case which made it almost impossible for our workers who suffered from discrimination to seek justice.

Although we have made progress since we passed the Equal Pay Act almost 50 years ago, pay discrimination has not gone away. Women in my home State of Washington still earn 77 cents on the dollar. That is a pay gap that averages \$11,834 in lost earnings each year. That is an extra 90 weeks of groceries or 179 tanks of gasoline. To women in Washington and to most women across America, that is certainly not a manufactured issue. It is very real.

This comes at a time when more and more families rely on women's wages to put food on the table or stay in their home or build a nest egg, their retirement, or help pay for their children's education.

The importance of women in the workplace has never been as critical as today, and this has become even more evident in this tough economy. The fact is that women are now participating in the workforce at higher rates than ever before, according to the Bureau of Labor Statistics. So it would seem most appropriate for this Senate to move our country once again toward eliminating pay discrimination and unfairness in the workplace.

The Paycheck Fairness Act that we are going to have a vote on today tackles pay discrimination head-on, and it should not be a partisan issue or only a women's issue. It is good for women, it is good for families, and it levels the playing field for businesses in America that are doing the right thing and paying their workers fairly.

The Paycheck Fairness Act is good for business too. It recognizes employers for excellence in their pay practices, and it strengthens Federal outreach and assistance to all businesses to help them improve equal pay practices. It is time to address this issue and finally close the wage gap for our working women and their families.

I was very proud to stand with Senator MIKULSKI and other Members of Congress and the President as he signed the Lilly Ledbetter Fair Pay Act of 2009 to give women who are victims of pay discrimination the tools they need to seek justice. But our work is far from complete. We are still not yet at the point where our daughters can expect to earn the same amount over their lifetime as our sons. That has to change. Now we need to pass the Paycheck Fairness Act as quickly as possible to keep our Nation moving in the right direction.

Again, I thank Senator BARBARA MIKULSKI for her tremendous leadership and steadfastness on this issue and her hard work to make this a reality for every working woman in this country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, there will be other Democratic Senators speaking during this time. I thank Senator MURRAY because she has been a real champion on this issue. She has been a champion on making sure women are treated with respect in the workplace and in the U.S. military. She has been a particular champion for ensuring that women in the military and women in the VA system get treated with fairness. We have a long way to go. This is 2012, and you would think at times it was 1812. But in 1812 we in Baltimore fought another revolution, and we will fight in 2012. So we thank her for her advocacy and look forward to having her vote this afternoon.

This is not only a women's issue where the women's rights groups are pounding the table. We have the support and endorsement of the American Bar Association. I have a letter which I ask unanimous consent to have printed in the RECORD in which the ABA absolutely endorses this legislation.

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

AMERICAN BAR ASSOCIATION,  
Chicago, IL, May 31, 2012.

Re Support S. 797, the Paycheck Fairness Act

U.S. SENATE,  
Washington, DC.

DEAR SENATOR: On behalf of the American Bar Association, I am writing to urge you to vote for floor consideration of S. 797, the Paycheck Fairness Act. This legislation has the widespread support of women across the country and deserves a full and informed floor debate on its merits. The ABA unequivocally supports S. 797 in its current form and urges its prompt passage.

Congress declared that equal pay for equal work was the law of the land when it passed the Equal Pay Act of 1963. But, in the 50 years since its passage, this historic legislation has become outdated and ineffective, and wage discrimination remains a persistent, widespread, and pernicious problem. Women today, regardless of their educational level, their occupation, or their state of residence, still receive unequal pay for equal work, even in jobs such as secretary or nurse that are predominantly held by women.

The Paycheck Fairness Act would update key provisions of the Equal Pay Act of 1963 without altering the basic scheme of this historic statute or imposing excessive, novel burdens on employers; indeed, the majority of its proposed changes are borrowed from other civil rights statutes that have proved more effective in eradicating workplace discrimination.

In anticipation of floor consideration, we offer the following comments to address what we believe are mischaracterizations and areas of confusion:

The provisions of this bill apply equally to men and women who experience sex-based wage discrimination. S. 797 is most often described as a bill that will help working women because women still are the primary victims of sex-based wage discrimination. However, the bill clearly covers both sexes.

Enactment of this bill will not make employers liable for any and every wage differential. As with the current Equal Pay

Act, the Paycheck Fairness Act provides that an employer is not guilty of wage discrimination if a pay differential is based on seniority, merit, quantity or quality of production, or "any other factor other than sex." The legislation closes an existing loophole by clarifying that the "factor other than sex" defense is valid only when it is based on a bona fide factor (like education or training) that is job-related, consistent with business necessity, and where there is no other alternate practice that would serve the same business purpose without producing the wage differential. This standard, adapted from Title VII discrimination cases, is one with which courts already are familiar.

Enactment of this bill will not encourage excessive verdicts against employers that will bankrupt businesses and jeopardize the recovery of our economy. In fact, the ABA expects the opposite result. It is true that the bill would strengthen and update the remedies available under the EPA by allowing prevailing plaintiffs to recover compensatory and punitive damages but, as with Title VII cases, the Paycheck Fairness Act would permit an award of punitive damages only upon a showing of malice or reckless indifference by the employer. That is a very high standard to meet and, on top of that, numerous existing limitations in current law that guard against improperly high verdicts assure that compensatory and punitive damages will not unduly burden employers.

Enhanced remedies should make businesses more cognizant of their legal obligations and more careful about how they set wages. A renewed commitment by businesses to non-discrimination will help their bottom line by reducing future lawsuits and creating a positive work environment.

Furthermore, by helping improve the present and future economic welfare of working women who make up about one-half of the work force and who are the primary breadwinners in more than 12 million families, the Paycheck Fairness Act will foster financial security and a strong economy.

Enactment of this bill will not impose unduly burdensome and unnecessary reporting requirements on businesses. Data collection is critical because it provides necessary documentation of existing wage discrimination and enables us to analyze the degree of success that various programs have on eradicating it.

The bill contains provisions to safeguard against burdensome regulations by requiring the Equal Employment Opportunity Commission to "consider factors including the imposition of burdens on the employers, the frequency of required data collection reports . . . and the most effective format for data collection." It also directs the Secretary of Labor to engage in research, education, and outreach and to develop technical assistance material to assist small businesses in complying with the requirements of the Act.

It is clear that lip service alone to the American ideal of a workplace free from discrimination will not help eradicate gender-based wage discrimination. We urge you to transform rhetoric into action by supporting floor consideration and voting in favor of this much-needed remedial legislation.

Please contact Denise A. Cardman, Deputy Director of the Governmental Affairs Office, at [denise.cardman@Americanbar.org](mailto:denise.cardman@Americanbar.org) if we can provide additional information or assistance.

Sincerely,

WM. T. (BILL) ROBINSON III,  
President.

Ms. MIKULSKI. The ABA, which we know is a prestigious, distinguished representation of the American bar, says that when we passed the "equal

pay for equal work" act, it was landmark. Quoting again from their letter:

But, in the 50 years since its passage, this historic legislation has become outdated and ineffective, and wage discrimination remains a persistent, wide-spread, and pernicious problem.

In commenting on this bill, the ABA says:

The Paycheck Fairness Act would update key provisions of the Equal Pay Act of 1963 without altering the basic scheme of this historic statute or imposing excessive, novel burdens on employers.

Remember, again, this is not Senator MIKULSKI, this is the ABA saying it will not impose excessive or novel burdens on employers. Indeed, most of the proposed changes are borrowed from other civil rights statutes that prove more effective in eradicating workplace discrimination. This goes to what the ABA says.

But now, Mr. President, I would like to yield 6 minutes to the distinguished gentlelady from New Hampshire—a Governor, a Senator, a real advocate who has had to not only be a leader in passing legislation but in implementing it. We welcome her insights and advocacy.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am so pleased to be able to join our colleague and leader on so many issues that affect women and families, Senator MIKULSKI. I am here today to join her and our other colleagues who will be coming to the floor to talk about something that is a real matter of fundamental importance for our country.

Workers should have equal access to every opportunity that will help them put food on the table, send their children to school, and save for retirement. Unfortunately, here we are in 2012 and still millions of American women lose nearly a quarter of their potential earnings to pay discrimination. Almost 50 years after the landmark Equal Pay Act banned wage discrimination based on gender, women in our country continue to be paid just over three-quarters of what their male counterparts receive for performing the exact same work. Every day this wage gap exists is a further injustice to current workers, such as my daughters, and to future members of the workforce, such as my granddaughters and so many other granddaughters of Members of this body.

Pay discrimination does not just hurt the employee, it endangers the families who depend on these women. One in three working moms is her family's only source of income. With the money that mother loses to pay discrimination every year, she could be paying housing and utility costs on her home or she could be feeding her family, with money to spare.

Back in the early 1980s, I chaired a task force for New Hampshire's Commission on the Status of Women looking at women and employment. What

we found was discrimination in a whole range of areas, including, of course, pay discrimination. The conclusion of the report was that kind of discrimination against women does not just hurt women who are affected, it hurts their families, their children, their husbands, and it has a ripple effect throughout our economy.

As Governor, I signed a law to prohibit gender-based pay discrimination in New Hampshire and to require equal pay for equal work. In the year before that law was signed, women in New Hampshire made 69 percent of their male colleagues' wages. Today they make 78 percent. When President Kennedy signed the Equal Pay Act into law in 1963, women made less than 60 cents for each \$1 earned by men. Today we make 77 cents. So we have made some progress, but clearly we still have a long way to go and a lot of work to do.

I recently heard from a woman named Marie in New Boston, NH, about her experience with pay discrimination. She wrote:

I worked for many years in a male-dominated company where the fresh-out-of-college boys were paid substantially more than I was for the same position.

She continued to recount that she actually trained these same men to do their jobs, and yet she still was not paid at the same rate.

Since the Equal Pay Act was enacted in 1963, the gender gap impacting wages has only narrowed by an average of half a cent per year. So at this rate, it is going to take another 45 years for that gap to close entirely.

The Paycheck Fairness Act would make commonsense updates to the law by requiring pay differences to be based on legitimate business reasons. It would also protect women whose employers try to shirk their responsibilities by prohibiting employees from discussing their salaries. Finally, this important legislation would create a program to strengthen women and girls' negotiation skills so they can seek directly the pay they deserve.

It is long past time for us to pass the Paycheck Fairness Act. I urge all of our colleagues to support this legislation. It is bipartisan. It is good for women and their families, and it is good for the country.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from New Hampshire.

Now I would like to yield the floor for 7 minutes to our colleague from California, Senator BOXER. She and I served in the House. We serve in the Senate. We have been fighting this for a long time. Mr. President, I think you will find her words welcome and insightful. Her passion and her devotion to women is legendary. I yield 7 minutes to Senator BOXER.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator MIKULSKI so much not only for

yielding to me but for her extraordinary leadership in the Senate on so many issues of fairness and justice for women, for families, for children, and for our seniors. It is really a legendary record that she has amassed, and this is just one more example.

I also thank President Obama for his leadership in calling attention to this important legislation, the Paycheck Fairness Act.

If you were to stop someone on the street and in the simplest terms say: Do you think it is right to pay people differently for the same job? Do you think that is right—they have the same experience, the same education, the same qualifications—people would say: No, that is not right. Yet that is what has been happening to America's women, even though we have, since the 1960s, a very important law in place that is supposed to guarantee fair pay to everyone, including women. But women earn 77 cents for every \$1 earned by a man. When you drill down to those numbers, you find out in a vast number of cases they are doing the same work as the man, making less.

Of course, Lilly Ledbetter made a very important point about this and became quite famous with a Supreme Court case where she had been doing the same things as her male counterparts—working in a tire factory, being a manager, being skilled, being strong, and yet underpaid. When she discovered it, trying to seek justice, she was unable to do so. The Senate stepped to the plate, and with Democrats moving forward, we passed the Lilly Ledbetter law, which does take care of the statute of limitations. It allows you to take as long as you have to get to court to make your case. For Lilly, it was too late, and she never was able to recover what she deserved.

So now what Senator MIKULSKI has done with the Paycheck Fairness Act is to say we are going to go the next step. We are going to make sure that women have justice in the workplace, that women have rights.

Why is this important to families—not just to women but to families? It is because over a lifetime of discrimination that so many women face, it is not like here where you are a Senator, you are a Senator, you are a Senator, woman or man, out there it is different. When you are discriminated against over a lifetime and are only getting 77 cents—and some, by the way, only make 56 cents or 62 cents on the dollar—the average wage loss over a working lifetime is over \$400,000. If you take a look at what our families could do with \$400,000—educate a child, make sure people get the best of medical care, make sure the family has enough so they can all take a break together and have a decent vacation or buy a better car—this is an issue that not only involves women but our families and our economy because, guess what, if that \$400,000 during a lifetime was with the family rather than the corporate CEO, who is making millions,

you would see the economy stimulated because middle-class families spend those dollars.

They do not hoard those dollars. So I am going to close by giving a couple of real-life examples. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. There is 2½ minutes remaining.

Mrs. BOXER. I am going to tell you some real stories.

A woman from California had an identical advanced degree as her husband. They both landed exact jobs but in different parts of the company—different worksites. The husband was offered \$5,000 more in starting salary. They were shocked. The same resume. The same qualifications.

Then there was the health care worker in Long Island who discovered she had been earning \$10 an hour less than her male colleagues. When she brought it up to her superiors, she was reprimanded for even asking about the rationale behind the wage gap.

Senator MIKULSKI's bill says a person cannot be reprimanded or punished because they are trying to find out if they are being paid fairly. That is why we have to pass this law. Anyone voting against it is taking a stand against women, is taking a stand against fairness, is taking a stand against justice, is taking a stand against our families.

Then there was a female employee for a major corporation in Florida who was told when she was hired that to disclose her salary to other workers was grounds for dismissal. Since then she realized her male counterparts made more than she did. But she did not have any written proof.

Another, a female employee at that company was told because her husband picked her up from work in a nice car that she did not need to get a salary increase. One woman retired after 15 years as an award-winning CEO of a public agency. Her male replacement, who had little experience, was hired at a higher salary.

After having a child, a California woman was fired from her job at a nonprofit. Her replacement, a man with less experience, was given 30 percent more in starting salary. We have example after example after example.

How the Republican side of the aisle could filibuster this bill is beyond my imagination. I do not know what they are thinking. They will give an excuse. They will come up with some excuse. They will say: Oh, it will hurt jobs. It will hurt this and that. It is all made up. It is all made up.

In this great Nation, when we move toward equality, we all prosper together. I urge an "aye" vote. I thank Senator MIKULSKI for this moment to be able to support this important bill. I yield the floor.

The ACTING PRESIDENT pro tempore. The time for the majority has expired.

Ms. MIKULSKI. Mr. President, might I ask the parliamentary situation?

The ACTING PRESIDENT pro tempore. There is now 30 minutes under the control of the Republicans.

The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, given that it is an election year, the American people are going to hear a lot of highly charged political rhetoric over the next few months. They are likely already tired of what they have heard. The Arkansans I talked with during the last week while traveling the State certainly have told me that much.

They do not want to see the finger-pointing. They want us to fix the problems we face. They are tired of the back-and-forth. They are tired of us seeking credit and placing blame. They see an economy in shambles and nobody willing to take responsibility.

To put it bluntly, they are frustrated. I think we all hear that message when we go home. I think we can all agree that more can and needs to be done. The jobs report that came out last Friday certainly reinforces that. When the President pushed through his massive stimulus package in 2009, he claimed unemployment would be below 6 percent today.

With a national unemployment rate of 8.2 percent, we are not even close to 6 percent, much less below it. To make matters worse, we are moving further away from the mark. This is the 40th straight month where the unemployment rate has remained above 8 percent, and 12.7 million Americans are unemployed. Millions more are underemployed. The economic picture is especially troubling for young Americans looking to enter the workforce.

America has the lowest employment-to-population ratio for young adults since 1948. Millions of Americans who are looking for work cannot find it. This is unprecedented, it is unacceptable, and it is unsustainable.

The President met the report with a call for another round of stimulus spending. Look, we have tried that. It did not work. More of the same will not work either. More government spending will not solve this problem. Paying for that spending by raising taxes on small businesses, the people we are counting on to turn our economy around, is certainly counterintuitive.

When the people we are counting on to spur the recovery tell us the country is going in the wrong direction, then we should listen. In almost every poll small business owners have responded that the uncertainty coming out of Washington is what is preventing them from hiring. Quite simply, they fear what the next wave of regulations is going to be and the proposed taxes, what that will do to their ability to grow their business.

Small business owners are afraid to invest any capital because they do not know what their taxes will be. They are afraid to hire another employee because they are nervous about what that will do to their health care costs and afraid to expand until they know how big their energy bill is going to be.

Washington has to change course. My colleagues and I have a better path to a healthy economy that restores eco-

nomics security and opportunity. Our market-based reforms are focused on creating a healthier environment for businesses to hire and to expand. We want to cut through regulations instead of adding more. We want to fix the Tax Code to incentivize hiring instead of passing the tab for more wasteful spending on to small business.

We want to reduce their costs by encouraging the production of domestic sources of energy instead of driving costs up by continuing our reliance on other countries for our needs. Three years of trying to tax and spend our way out of this problem has not worked. The American people are rightfully frustrated.

All we are saying is we tried the President's way and it has not worked. Let's try our market-based approach. But here is where we run into the old election-year problem. Ever since the numbers were released, all the media has been talking about is what the report means in terms of the Presidential election. This, in turn, has Washington digging in deeper to its respective trenches. That angle of the story misses the most important part. This is about more than numbers, more than a report, more than a political talking point. It is real people, all of whom are looking to Washington for help. It is past time we started fighting for them instead of for our political futures.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today in support of equal pay for equal work. The importance of women in the workplace is clear to every American. We all have women in families who have been a proud part of the workforce. For two decades my mother worked hard in a school cafeteria. My wife, a substitute teacher, has long been part of Nevada's workforce. My oldest daughter, in this economy, was fortunate enough to get a job after graduating from college just a few years ago. My youngest daughter, 16, recently got a summer job at a local food lot. Sixty percent of my Senate staff is female.

America is a land of opportunity, and Americans are equally united against discrimination in any form. If my mother, my wife, or my daughters experienced workplace discrimination based on their gender, I would be the first to come to their defense and ensure any inequities were addressed.

Congress passed the Equal Pay Act in 1963 to ensure every individual received equal pay for equal work regardless of gender. It is a strict liability statute that requires evidence of intent to discriminate. If there is evidence of intentional discrimination, appropriate remedies, including punitive and compensatory damages are available under the Civil Rights Act.

Let me be clear: Pay discrimination based upon gender is unacceptable. Despite the political rhetoric around here, everyone agrees on this fact.

The question is, Will the Paycheck Fairness Act actually address workplace inequality? The simple answer is no. Unfortunately, the only winners under this legislation would be trial lawyers, giving them a windfall, exposing employers to unlimited punitive damages.

This legislation opens the door to frivolous lawsuits which already cost our economy billions of dollars every year. Legitimate cases that could be addressed under the current system would be lost in a flood of lawsuits initiated by lawyers hoping to win a few large judgments.

These lawsuits, if successful, could transfer billions of dollars from employers to trial lawyers. In an economy already marked by uncertainty, this legislation would surely mean lost jobs, limitations on benefits, and pay cuts. These changes would mean much harder times ahead for Nevada's unemployed and underemployed, so many of whom are women.

Instead of a trial lawyer bailout, let's address the issue of equal pay. Instead of holding votes designed for press releases, let's actually work to solve our Nation's problems. Congress can strengthen the Equal Pay Act without handing trial lawyers a blank check.

The Wall Street Journal today referred to this legislation as "a trial lawyer doozy just in time for the 2012 election ads." It goes on to say the bill ought to be called the "Trial Lawyer Paycheck Act," since it is a recipe for a class action boom. The law automatically lists women as plaintiffs in class actions when lawyers sue employers, thereby requiring female employees to opt out of litigation with which they do not agree.

Businesses would be treated as guilty until they are shown to be innocent. You cannot be projobs and antibusiness. This is just another example of the Democrats' war on free enterprise while Americans suffer with joblessness and underemployment.

In fact, under this President there are 766,000 more women unemployed today than when he took office. I truly wish today's discussion was about leveling the playing field, truly ensuring pay equality and improving the economy. But years-old legislation mired in politics will not get us any closer to either ending gender discrimination in the workplace or ensuring that all women who want a job have a job.

This proposal could not pass when Democrats controlled both Chambers of Congress. Yet here we are today voting on the same measure again and again. Those who are actually victims of workplace discrimination are only getting lipservice from Washington. Like many of my colleagues, I worry about this proposal that will only increase litigation and do little to actually address the problems of pay inequality.

Advancements in pay parity have been made, but more needs to be done. Congress would better serve the hard-

working women of our Nation if we focused on solutions that have actually worked. To this end, I have introduced the End Pay Discrimination Through Information Act. This legislation would protect employees who are trying to determine whether they are experiencing pay discrimination.

No one in this body should be so naive to say that pay discrimination has been eradicated. What we need to do is ensure that employees can find the information they need to determine whether they have a legitimate claim against their employer. The End Pay Discrimination Through Information Act provides antiretaliation and whistleblower protections which both sides should be able to agree upon. My legislation is a solution within the existing framework of our legal system that does not provide a handout to trial lawyers as the underlying bill would do. My bill also recognizes the role of women in America's workforce and the fact that an increasing number of U.S. households depend upon the income of working women.

My legislation states that "equal pay for equal work is a principle and practice that should be observed by all employers." Every day working women are going above and beyond, balancing their responsibilities at home and at work to provide for their families. The least we can do is ensure that employers who intentionally discriminate on the basis of sex should be held accountable for their wrongdoing.

I believe my bill is a reasonable bipartisan step in the right direction. Instead of bringing up legislation that has failed in the past and will in the future, this Congress needs to give our Nation the economic certainty needed to create good-paying jobs so hard-working women across this country will be able to provide for their families and achieve the career successes they deserve.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Kansas.

#### MEDICAL RESEARCH

Mr. MORAN. Mr. President, throughout history, medical research has been responsible for hundreds of groundbreaking discoveries that have improved and saved lives, enabled health care to become more effective and efficient, and lowered overall health care costs.

May was National Cancer Research Month, and I wish to take a few minutes and recognize the importance of medical research and the invaluable contributions made by scientists, doctors, and researchers across the United States who are working not only to overcome cancer but many other devastating diseases.

With decades of research, cancer mortality rates have steadily declined since 1990, and today more than 12 million Americans are cancer survivors. In fact, the number of survivors have quadrupled since the mid-1970s, and the overall 5-year survival rate for all can-

cers has improved to more than 65 percent.

Decades of research and technological advances have brought us into a new era of medical care for cancer. We can now sequence all the genes of a tumor and use that information to determine the biological causes of cancer. This greater understanding of the causes of cancer has led to advances in prevention, early detection, and treatment that have saved countless lives.

Despite significant advances in research over the last few decades, much work remains to be done. More than 1.5 million Americans are expected to be diagnosed this year with cancer. It is estimated that one out of every three women and one out of every two men will develop cancer during their lifetime. In America, cancer is still the leading cause of death.

But history demonstrates that with a strong commitment to medical research, we can change these statistics not only for cancer patients but for many other patients as well. Congress's longstanding bipartisan support of the National Institutes of Health has been an integral part of establishing the United States as a world leader in research and innovation.

NIH is the focal point of our Nation's medical research and plays a critical role in laying the groundwork for the private sector to develop new drugs and treatments for cancer and other diseases.

I have seen firsthand how medical research at NIH is being translated into new treatments with a visit to the NIH Clinical Center in Bethesda, MD, which is the Nation's largest hospital devoted to clinical research.

The Center is uniquely designed to enable researchers to work directly alongside a wide range of specialists who deliver the best possible care to patients with the most advanced treatments available. This powerful arrangement has led to a long list of revolutionary medical discoveries, including chemotherapy for cancer, the first tests to detect AIDS/HIV, and the first treatment of AIDS.

Medical research leading to successful discoveries often takes years, requiring the institutional knowledge and intellect of numerous highly qualified, committed researchers. Given the vast amount of progress made over the last century and the great potential current research holds, we must not waiver on America's commitment to advancing disease cures and treatments.

If researchers cannot rely on consistent support from Congress, we will squander current progress, stunt America's global competitiveness, and lose younger generations of doctors and scientists to alternative career paths. Our Nation's researchers and scientists must know Congress supports their work and will ensure they have the resources needed to carry out their important work.

The next century holds great promise for future discoveries. By investing in

medical research, we are investing in our future.

In Kansas, the bioscience industry has grown at a faster rate than the national sector since 2001. This growth opens the doors for new medical and technological advancements.

Kansas has already become a leader in advancing biomedical and bioscience research. One example of this is the University of Kansas Cancer Center in Kansas City, which has formally applied to the National Cancer Institute to become an NCI-designated cancer center.

The National Cancer Institute is a component of NIH, and it is our Nation's principal agency for cancer research and training. Obtaining NCI designation would dramatically enhance the KU Cancer Center's ability to discover, develop, and deliver innovative treatments to patients in our State, improving their quality of life.

Currently, there are no NCI-designated centers in Kansas. With that NCI designation, KU Cancer Center patients would have access to the latest clinical trials and the most advanced cancer treatments close to home.

Because NCI designation is the highest recognition for an academic cancer center, KU Cancer Center would also be in a better position to recruit the best and brightest researchers and scientists to develop cutting-edge treatments and cures in Kansas.

In addition to saving and improving lives, medical research helps create thousands of jobs and drives economic growth across our country. NIH directly supports 350,000 jobs nationwide and indirectly drives more than 6 million jobs across our country.

Medical research also lowers costs by advancing treatments to chronic, debilitating diseases and improving early detection and wellness promotion. During a Senate Appropriations health subcommittee hearing last year, I asked NIH Director Francis Collins to explain how medical research at NIH could reduce health care spending. In his response, Dr. Collins pointed to the potential impact of medical research on Alzheimer's.

Today, annual costs related to Alzheimer's disease are roughly \$180 billion, and those numbers are expected to rise to roughly \$1 trillion by 2050. However, medical research leading to treatments that delay the onset of Alzheimer's disease could not only bring a better quality of life to thousands of families but also save billions of dollars.

Medical research has changed the lives of millions of Americans and has the potential to impact millions more because the possibilities are endless. But in order to plan for the future, scientists and researchers need certainty.

Today, Congress faces the difficult task of identifying our government's funding priorities, while at the same time righting our Nation's fiscal course. I will continue to advocate for fiscal responsibility, and I will also

prioritize programs that effectively serve the American people.

Our consistent, sustained support of medical research is essential to saving and improving lives, growing our economy, and maintaining America's role as a global leader in medical innovation. This commitment will benefit our children and our country for generations to come. Most important, it will give us what we all desire, which is hope.

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.

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

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

Ms. MIKULSKI. Mr. President, how much time remains on the minority side?

The PRESIDING OFFICER. There is 50 seconds remaining.

Ms. MIKULSKI. Mr. President, I yield the floor.

Has all time expired on the minority side?

The PRESIDING OFFICER. Yes.

Ms. MIKULSKI. Mr. President, I now yield 5 minutes to the Senator from Delaware, Mr. COONS. The women of the Senate welcome those men who stand with us on this very important battle, and Senator COONS has been an outstanding advocate on this and other economic empowerment issues related to women, such as safety in the workplace and sexual harassment.

I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise in strong support of the Paycheck Fairness Act, legislation to ensure the women of this country earn equal pay for equal work. I am grateful to Senator MIKULSKI—and many of our cosponsors—for her strong and able leadership on this important bill, S. 3220, which we will take up later this afternoon.

The principle of equal pay for equal work is a simple, powerful principle of basic fairness. In this year of 2012, no one should earn less for doing the same job just because of their gender. This legislation is an important step forward. It would plug holes and make critical changes in the law that would ensure the promise of equal pay that was first enshrined in our law decades ago.

This legislation will deter wage discrimination by closing loopholes in the Equal Pay Act and bar retaliation against workers who disclose their wages to colleagues. Knowledge is power, Mr. President. Women who don't know their male coworkers are earning more for doing the same job can't speak up and demand to be treated fairly.

My wife Annie and I are raising three wonderful children, all of whom are

equally bright and driven and capable. As any parent knows, one of the phrases we hear more than any other from our own children is, "That is not fair." When we pick out one for more entertainment or more opportunity, for more travel or more close family time, the first thing we hear from their siblings is, "But, Dad, that is just not fair." As Annie and I raise our wonderful twin boys and our tremendous and talented daughter, we try as best we can to be fair. Yet I know my daughter Maggie, like other women and girls all across our country, will earn less than her brothers even if she chooses the exact same career track. That is just not fair. That is unacceptable. That violates our bedrock belief as a country in equality of opportunity and the American dream that if people work hard, nothing will stand in the way of their success.

I am hopeful by the time my daughter Maggie enters the workforce we will have reduced or ended the gender pay gap in this country. I believe by then our Nation's economy will be back to full strength. But the fact is thousands of families across my home State of Delaware, the Presiding Officer's home State of West Virginia, and my neighboring State of Maryland can't afford to wait for things to get better in the economy and in our legal system. They are struggling right now to pay their bills every month, and unfair pay discrimination adds to their burden.

Women in Delaware, on average, earn 81 cents for every dollar paid to men. Over their lifetime that means they will earn nearly \$½ million—or \$464,000—less than their male counterparts. Women make up just a shade under half of Delaware's workforce, and close to 40 percent of married, employed mothers in Delaware are their families' primary wage earners. When women are paid less than men for doing exactly the same job, it hurts whole families. Over 135,000 children in Delaware live in households that depend on their mothers' earnings.

I heard from one of those mothers—Patricia from Dagsboro, DE. She wrote to my office urging me to support this legislation. She wrote:

Without my paycheck, we could not have afforded to pay for the college tuition for two of our children. If I had been paid equally for equal work, experience and education, it is likely neither of them would have had to take out student loans to make ends meet.

Patricia urged me to support the Paycheck Fairness Act.

Mr. President, paycheck fairness has wide-ranging consequences—from covering the cost of higher education to mortgage payments to everyday bills and consumer spending. Income earned by women is a key driver, a key contributor to our economy.

Some on this floor have attributed the pay gap to differing priorities or to the idea that some women choose to work fewer hours in order to spend

more time with their families or to meet their family care commitment. But the facts simply do not bear out this theory. Women earn less starting the very moment they graduate from school, before they have made any choices about family or work-life balance. That shows us pay discrimination is real. Study after study has shown it is pervasive and, in my view and that of many of my colleagues, it needs to finally be stopped.

The gender pay gap persists across all occupations and educational levels. But it is especially hard on minorities and female-headed households, which are much more likely, as a consequence, to be low income. The consequences of the gender pay gap remain even when a woman stops working because after a lifetime of lower earnings, the average Social Security benefit for American women under 65 is about \$12,000 compared to \$16,000 for men of the same age.

If I might say, in conclusion, then, Mr. President, there is not a Member of this body who would dispute women are just as educated, just as trained, just as capable in so many ways as their male colleagues across our whole society and there should be no difference in the equality of the pay they receive for that work.

I support the Paycheck Fairness Act because it will help women fight for the equal pay they have earned, and I urge my colleagues to do the same.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I wish to yield time to the Senator from North Carolina, Mrs. HAGAN.

Senator HAGAN is a freshman Senator, but she is certainly not new to this issue. Both in North Carolina's legislative body and in the Senate her work has always been for the economic empowerment of women, especially those women who stand every day and do those jobs requiring standing on their feet and at the end of the day have earned less pay and will get less in their pensions. As they stand for work, she stands for them on the Senate floor.

I yield Senator HAGAN 5 minutes.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I certainly want to congratulate Senator MIKULSKI for all the hard work she has done, not only on this bill but on all the bills on which she has worked so hard on behalf of women in our country. I applaud her for her efforts.

I join with my colleagues to discuss an issue that affects women and families across America every day; it is the wage gap. Almost 50 years have passed since the Equal Pay Act was signed into law, and the wage gap between men and women remains wide today. It is time to bring the wages of women in line with those of their male counterparts.

I am proud to be an original cosponsor of the Paycheck Fairness Act. Yet some question why we need this bill. Well, the numbers make it pretty clear. Women in the United States earn 77 cents for every dollar that men earn. In North Carolina, it is a little better but not equal. Women earn 81 cents for every dollar earned by men doing the same work, the same job. Over the course of 1 year, women in North Carolina experience nearly \$8,000 in lost wages. That is \$8,000 from what her male counterparts earn.

With that \$8,000, a woman could spend for her family an extra \$110 a week on groceries for 73 weeks. She could buy another 2,200 gallons of gas at \$3.60 a gallon. If women were paid the same as men for the same work, these are just a few of the expenses they would be able to afford more easily.

The wage gap is not isolated in one industry either. It exists across virtually every sector of our economy. The wage gap exists regardless of education level. In many cases, the most educated women are paid less for the same work, and it exists regardless of a woman's personal choices, such as becoming a mother. Working mothers should not pay a penalty for having children.

A group in North Carolina called MomsRising told me in the last few months they have heard from women across the State—from Wilmington, from Durham, from Greensboro, and from Raleigh—that once these women actually had children, they got overlooked for promotions, overlooked for pay raises, and overlooked for the projects on which they wanted to work. However, this collective group of women are afraid to speak out about their wage discrimination because in this economy they are worried about getting fired from the job they need to support their families.

Yesterday I met with women and small business owners in Charlotte to discuss the Paycheck Fairness Act. My visit with those fantastic women reinforced for me the importance of this bill, the Paycheck Fairness Act. One woman brought her young son with her to the event and they both wore T-shirts that each had a number on the front. The mom's shirt said 94 and the son's shirt said 50. If earnings continue at the slow pace they are going now, those numbers signify the ages that mom and that son will be when pay equality is achieved in our country. Sadly, at the rate we are going, most of us in the Senate will not live to see that day.

This wage gap has real consequences, not just for women but for their children too. In North Carolina alone, women head over 500,000 households. The economic security of women and families is put at risk when they are paid less than men for performing the same jobs. Later today I will be voting to help close this gap, to help bring the wages of women in line with those of

their male counterparts. I am hopeful that petty partisan gamesmanship does not get in the way of a bipartisan issue that both Democrats and Republicans, men and women, overwhelmingly support.

In a recent poll, 81 percent of men and 87 percent of women supported having a law to provide women more tools to get fair pay in the workplace. This poll also showed support for such a law from 77 percent of Republicans and 87 percent of Independents and 91 percent of Democrats. With such widespread approval, we should be able to address this issue right away.

We need Paycheck Fairness to prohibit employers from retaliating against employees who discuss salary information with their coworkers. We need Paycheck Fairness to strengthen the legal remedies available for women to ensure they can be compensated for pay discrimination. We need Paycheck Fairness to provide businesses, especially small ones, assistance with equal pay practices.

On the eve of the anniversary of the Equal Pay Act, we need to close the loopholes that allow pay discrimination to happen. The Paycheck Fairness Act would do just that by helping women successfully fight for full pay.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HAGAN. I ask unanimous consent for 30 additional seconds.

Ms. MIKULSKI. I yield the Senator an additional 2 minutes.

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

Mrs. HAGAN. Equal pay for equal work to me is just basic common sense. I hope this body can come together to address this disparity that exists in North Carolina and around our country.

I again thank Senator MIKULSKI for the work she is doing on behalf of this very important bill that is truly going to make a difference in the lives of women throughout our country, as well as their families.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, this is time for both Republicans and Democrats to speak. We invite our Republican colleagues to come and speak. Even within the Republican Party, we know there are those who agree with us and those who do not. For those who agree, we would love to hear their voices. For those who do not, let's have a debate. Let's take a look at what are some of the issues being raised as a criticism of the bill. We are ready to talk about it.

I have heard some of the most outrageous things on cable TV about why we should not pass this bill. One was accusing us that this will undermine small business. Small business has protections under the Equal Pay Act. Under the existing law—which this would not change—the Equal Pay Act



already exempted small businesses that make less than \$500,000 in annual revenue per year. It keeps the Equal Pay Act exemption intact.

We also have the support of the U.S. Women's Chamber of Commerce. This is a chamber of commerce of small business owners. They support this bill. So we do not believe that is a valid argument.

There is another argument going around that for some reason if we pass the Paycheck Fairness Act, somehow or another, we are going to lower the wages men make. That is absolutely one of the most ridiculous, rhetorical, twist-and-turn arguments. It is not factual and it is not legal. It is illegal now to remedy wage discrimination by reducing wages of other employees. I will quote—it is illegal under the other labor protection laws—and I don't mean labor such as in union, I mean labor such as in workers—it is illegal to remedy wage discrimination by reducing wages of other employees.

The Paycheck Fairness Act doesn't alter any other affirmative defense available to employers. Employers may still pay different wages to male or female employees if it is based on seniority or quality of production. If someone is a guy on an assembly line and he makes more hubcaps than women, fine. But we find that is no longer true in the information age economy.

Equal pay, I wish to say again, is not only a women's issue, it is a family issue. Sometimes we find we are discriminated against by great guys at the water cooler who tell us where it is. What people need to know is that right now it is legal to fire someone if they make an inquiry about how much they are making and how much their male counterpart is making. It is illegal or they can be subject to all kinds of harassment and humiliation.

You ought to hear some of the horror stories we hear from women just because they wanted to know: George, how much are you making?

We thank the good men who supported us. They have often been business whistleblowers, where they told us what they are making. They know we are working just as hard. We worked as hard to get the education to do the job, we worked that hard on the job, but we continue to have to work hard to get equal pay for equal work.

I wish to make it clear once again, this legislation will not result in a lower paycheck for men.

There is also a bona fide question, which is: Why are we doing paycheck fairness? Didn't we solve these issues in Lilly Ledbetter? Paycheck fairness was a downpayment on this because it kept the courthouse door open. Paycheck fairness makes it harder to discriminate in the first place. Right now, as I said, employers have the ability to retaliate against workers who share salary information. Ledbetter did not address this issue. Paycheck fairness does. Women can now, under Paycheck Fairness, sue for punitive damages.

Lilly Ledbetter did not address this. This would deal with that.

There are a variety of things I can elaborate on, but I see one of the real champions for justice, civil rights, and the empowerment—especially the economic empowerment—of women, my colleague from Michigan, Senator STABENOW. I yield Senator STABENOW 7 minutes and thank her for her long-standing advocacy and work. She has raised her voice for those who often do not have a voice in high places of power.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, first, let me say thank you to the champion. We have just been hearing from the champion, not only in the Senate but in the Congress, on so many issues that have led to empowerment for women and equality for all people to have a chance to succeed in our economy. Certainly, whether it is preventive health for women or the Paycheck Fairness Act, I thank Senator MIKULSKI for leading the way and being the person we look to. I am proud to stand with Senator MIKULSKI on the floor of the Senate.

Since our founding, our country has been a destination for those who seek equal treatment and equal opportunity. Across the world, America is known as the land of opportunity. I am very proud we have that label. Our hard work and ingenuity built the country, brick by brick, city by city. My home State of Michigan was right in the middle of it—building the tools, the vehicles that built our country and that, frankly, built the middle class of our country. Those looking for new opportunity, those with entrepreneurial spirit have always been welcome here in America.

People still make the journey to this country in search of a better life. We tell the world that everyone has equal opportunity, that if they put in just as much hard work as their neighbor, they will earn a decent living and be able to provide for their family. But that is only half true. Everyone can work hard, everyone can be successful, but for some reason it is acceptable that women do not need to be paid as much as men for the exact same work. This is unacceptable. That is what this legislation is all about.

Nationally, women make 77 cents for every \$1 a man makes for the exact same job. In Michigan, the numbers are even worse. Women make 74 cents on every \$1 for the exact same job. I received countless letters from constituents describing how this affects their lives and their families' lives. Teresa from Detroit is a single mom with two daughters. One daughter is in college. Teresa tries to help her out as much as she can, but she gets paid less than her male coworkers for doing the same work so it is tough.

Pamela from Romulus, MI, is the sole breadwinner in her house, supporting her husband who is a disabled Vietnam

veteran and their children. She works at a corporation and took over a man's job. Then the company changed the title so they could pay her less.

Craig from Lowell wrote in to tell me his story. By the way, this is a common story in Michigan over the last number of years. He lost his job in 2008 because of the recession. His wife had to support their entire family of four. The family had to go on food assistance, something they never thought in their wildest dreams they would have to do because Craig's wife has been working at the same company for 23 years but has not gotten a raise in the last 4 years and makes several dollars an hour less than her male counterparts.

Melissa from Ann Arbor is the sole breadwinner in a family of four. She figured out if she were paid the same as her male colleagues, she would take home an extra \$1,000 a month after taxes. She said that \$1,000 would make her family more stable and let Melissa and her husband take her children on trips, give them new opportunities, allow them to be enrolled in sports and save for retirement—that extra \$1000 a month.

Cheryl from Okemos has had to take a second job just to make as much as her male counterparts at her day job, and it has cut down on how much time she can spend with her family. She has a second job just so she can make as much as her colleagues who work one job—she has two jobs. The tradeoff for her is as a mom spending less time with her family. She is able to feed and clothe their children, but she says she is missing out on watching them grow up—also a very important value we talk about all the time on the floor of the Senate, in terms of values for families.

Linda from South Lyon wrote about her lifetime of being discriminated against just because she is a woman. Over her career she has consistently made less than men in the same industry with the same job description. One executive even told her he only hires women because they work harder and he can pay them less. They work harder, but he should not be able to pay them less.

Sandra from Marshall has worked as an engineer at the same company for 28 years. She has been rated as one of the company's best performers. Despite this, she has never risen to the level where she earns bonuses and a better pension—a level in her company that is dominated by men. She has countless people she has hired and trained and watched them pass her by. These stories are real.

Jennifer, from the west side of Michigan, is a university teacher and athletic coach. She was the head coach of a varsity women's team and taught six classes. She saw men in the same position make more money while they taught fewer classes. She watched them receive tenure with master's degrees while she was required to work toward a Ph.D. to be eligible for the

same tenure. She was denied tenure despite good performance evaluations. Yet a male assistant coach at the university was given tenure without a Ph.D. because he had a family. These are real stories.

This is about families, economic opportunities, and security for families. America is known as the land of opportunity, and people still make the journey to our great country in search of a better life. Everyone has an equal chance to work hard and everyone can be successful, but not everyone gets the same opportunity to be successful.

Women in Michigan make 74 cents for every dollar a man earns for the exact same job. There are so many families in Michigan struggling right now. It should not be harder on them just because the primary breadwinners are women. It is just not right.

Middle-class families need economic security, and that is why we need the Paycheck Fairness Act. We have made strides to move forward. This is not complicated. It is not rocket science. It is very simple. This is about equal pay for equal work. We talk the talk all the time. It is time to walk the walk and to pass this bill.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I yield 5 minutes to the gentleman from Illinois and thank him for his persistent advocacy on this issue. Senator DURBIN was one of the people in public leadership who said we have to really address this as we approach the 49th anniversary of the Equal Pay Act. We thank the Senator for his work, and we thank him for his voice today.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me just say to those who are following this debate, if we go to the dictionary and look up the word "persistent," there will be a picture of Senator BARBARA MIKULSKI of Maryland. She has been our leader on so many important issues.

The very first bill signed by President Barack Obama—and she remembers the day, as I do—we were standing there when he signed the Lilly Ledbetter law, which protected the principle of equal pay for equal work by allowing workers to pursue pay discrimination cases beyond the arbitrary, unreasonable window that had been set up by the Supreme Court. When President Obama signed that first bill, his first bill as President of the United States, he handed the first pen of that signing to Senator BARBARA MIKULSKI. It was entirely appropriate. No one has dedicated more of her professional and public life to this cause of justice than Senator MIKULSKI.

It is nearly 50 years after the passage of the Equal Pay Act. Now we have to ask ourselves, well, how are things going in America when it comes to equal pay? It turns out that when it comes to the managerial positions of

women and men, women make 81 cents for every dollar paid to a man when they are managers of a business. According to the U.S. Census Bureau, the gap grows larger—77 cents for your daughter as opposed to a dollar for your son—when you look at the entire working population. As the father of a daughter and a son, that is unfair.

According to the Joint Economic Committee, on average, women in my State of Illinois earn about 78 cents for every dollar paid to a man. What does that add up to over a lifetime? That adds up to over \$480,000 in wages that are denied to a woman who is doing exactly the same work as a man. That is money that could be used to pay the mortgage, to buy the groceries, to put kids through school, and maybe even fill the gas tank. That money is denied to women day after day, week after week, month after month because of basic discrimination in the workplace.

We cannot ignore this gender wage gap. It is too large and, unfortunately, shrinking too slowly. The Paycheck Fairness Act—when we have a chance to vote on it—will narrow that pay gap by clarifying that the difference between a man and a woman is not an adequate reason to differentiate pay. It also guarantees that women facing discrimination have access to the same remedies under the law as men and, under the law, as are afforded to racial and ethnic groups based on discrimination.

I am afraid to say it—and I hope I am wrong—that this afternoon when the rollcall is taken, it will be a partisan rollcall. There will be Democrats in favor of ending this discrimination, and virtually all Republicans—and I hope I am wrong about this—are going to vote against it.

Instead, the Republicans want to bring a different bill to the floor. I am not going to dwell on it other than to say that I like Senator RUBIO, he is a friend of mine from Florida, but his bill is a very bad idea. It is called the RAISE Act. Simply stated, it innocently says that an employer who is party to a collective bargaining agreement with a union would be allowed to give a unilateral pay raise to selected employees of that employer's choice. Well, who is against a pay raise? So you take a closer look at it. What it does is it allows managers and employers to pick and choose among employees for these pay raises and, sadly, without any basis other than their personal decision. I am afraid I know where that leads. Unfortunately, it leads to the same kind of wage discrimination we see today between men and women. It may lead to nepotism. It may lead to kind of favorable treatment for some employees for reasons that have nothing to do with the workplace. This sounds so innocent, but it is not.

Under current law, unions and employers can agree to link pay increases and bonuses to performance, and that is the way it should be. In fact, many

collective bargaining agreements already provide for merit-based pay increases. The Rubio approach is not good news for workers across America. It is no help to women across America facing wage discrimination.

This is not the first time or the only time we have had these battles of gender equity on the floor of the Senate on the question of whether we are going to have basic funding for health care for women across America. For over 40 years, we have been committed to title 10, and yet we have faced the elimination of title 10 funding from the Republican leadership in the past. In fact, they threatened to shut down the government rather than provide this health care that women need. Many can remember a few weeks back on the Senate floor when Senator BLUNT of Missouri filed an amendment to the Transportation bill allowing any employer or insurance company to deny health insurance for any essential or preventive health care service that the employer objected to because of his undefined religious or moral convictions. They could—for any reason—deny health coverage to an employee. Well, we defeated the Blunt of Missouri amendment. It was another attempt to try to give employers a way to discriminate against employees and, in many cases, against the women who work for them.

We have tried our very best to push through bipartisan legislation, such as the Violence Against Women Act, which in the past has passed overwhelmingly by a voice vote. Have you visited a domestic violence shelter? Have you seen a woman who has been a victim of domestic violence? I have. In Champagne, IL, a woman sitting across the table from me had a baby on her lap and had a big black eye. She had been punched in the face by her husband, and she came to the shelter looking for a helping hand. You can't look into the teary-eyed face of a mother and think that this is not a good cause and a just cause. Instead, it turned out to be a political battle here as to whether we were going to pass the Violence Against Women Act. We did, and I am glad we did. It stalled over in the House of Representatives because they refused to move that forward so we could provide this kind of protection.

Time and time again, the basic legislation to protect women, families, and children used to be done on a bipartisan basis, used to be done unanimously, with supporters from both sides of the aisle, and it has now turned into partisan political bickering. Let's hope that when it comes to this bill, this question of fairness in the paychecks of women and men across America, that maybe I will be just flatout wrong. Maybe at 2:30 we are going to see a return to that thrilling era in the Senate history when Democrats and Republicans stood together for fairness and justice. We will give our colleagues a chance at 2:30.

I thank Senator MIKULSKI for bringing this important and historic matter to the floor.

I yield the floor.

Ms. MIKULSKI. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Maryland.

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

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

Ms. MIKULSKI. Mr. President, I now yield 5 minutes to the Senator from Louisiana, who chairs the Small Business Committee and really knows the impact of the economic issues related to the empowerment of women. She has worked on a bipartisan basis on this issue. Hopefully, she will comment on how this bill will have no negative impact on small businesses.

I yield to Senator LANDRIEU for 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, let me begin by acknowledging the leadership of the Senator from Maryland and the other Senators who have come to the floor this morning to speak on behalf of a bill whose time has come and, some might say, a bill whose time has passed. It has been almost 50 years since the original gender equity in the workplace bill was passed, and it has not been modernized in over five decades. So, in large measure, this is really a bill whose time has come, and we hope to make that law happen in the next few weeks. With support from both Democrats and Republicans and by putting common sense and heart and compassion and good business sense, might I say, before political talking points, this, in fact, could be done.

The reason this bill is so important is because 50 years ago women were not major breadwinners in families. As the Presiding Officer knows, there was tremendous hiring discrimination against women and minorities. Happily, that seems to be passing and fading. There are women now at the highest ranks of corporate America. We have had women serving in the highest positions here in Washington, DC, and around our country. While there still is a gap that can be recognized both in the private and public sector, the ability for women, with the right credentials and the right background, to get hired is easier today and is happening more than ever before.

The problem is that when we look at the wage gap, unfortunately, it still persists. With women now in many instances being the major breadwinners in their families, this is really a family issue. It is paying some families much less than others based on the fact that there is a woman as the breadwinner

instead of a man. That is hurting families throughout America. It is not fair, and it should not be tolerated. That is why this bill, introduced by Senator MIKULSKI and cosponsored by many of us, is important.

Wage discrimination is against the law and it has been for 50 years, but the consequences and the actions individuals can take if they feel as though they are being discriminated against are, in effect, different and not where they need to be. So this law updates the Equal Pay Act that was passed in 1963 to basically put the final nail in the coffin of wage discrimination.

In 1967 women only earned 58 cents to every dollar a man earned in an equal—in an exact—position. That was grossly unfair, but it is still unfair today that women in the same job are still making only 77 cents for every dollar a man earns. It is not right, and it must be corrected. We can correct it by passing this law that gives people who believe they are being discriminated against better access to the court and, might I say, it also gives businesses that potentially are the ones being sued—even small companies or large companies—more protections in this bill than other businesses have in similar discrimination cases. In other words, frivolous lawsuits will not be allowed, and if a case is not strong, there is a screen that is tighter in this bill than in other pieces of legislation.

I realize there is some opposition from the business community that contends that this bill will simply usher in more controversy or more courtroom time. But the fact is that is exactly the way our system was created. Congress passes laws and enforces equal pay for equal work. If people feel as though they are not being treated fairly under the law, they are supposed to try to modify that behavior out of court, and if they can't, then we ask them—we, in fact, want them—to go to court to try to get it settled. That is the American system. We don't want people to over-use courts or to abuse courts, but we most certainly want people who feel as though they are not being treated fairly under the law to have access to a court system.

Might I say that despite the fact that our court system is regularly criticized, I would much prefer to show up in a court here than in Iraq or in Egypt or in Afghanistan or even in some places in Europe or most certainly some countries in Africa. America has a very transparent, fairly sophisticated and modern judiciary system, and it really is a model for the world.

Sometimes I think we overlitigate in some areas, but where are these women supposed to go? What are they supposed to do—have an appointment with their Congressman, show the Congressman their paycheck? No. Congressmen don't do that. Judges do. And when they get their day in court, they can show their pay stubs, and they can then demonstrate that they have been doing the same job as the man next

door but they have been getting paid 77 cents on the man's dollar. That is why this bill is important.

I don't know for the life of me why the chamber of commerce is opposed. I think there are a lot of women in the chamber of commerce as business owners and as women who used to work for other businesses before they owned their own. I had hoped they would stand and speak for women everywhere, that when a woman shows up early in the morning and works until late at night, they deserve to be paid the same as a man doing that exact job.

According to the American Bar Association, in the 50 years since its passage, the Equal Pay Act has become outdated, ineffective, and wage discrimination remains persistent, widespread and pernicious.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. I ask unanimous consent for 30 more seconds.

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

Ms. LANDRIEU. In my home State of Louisiana, wage discrimination based on gender is particularly problematic. According to the Joint Economic Committee Report, women in Louisiana do not earn 77 cents, they earn 69 cents for every \$1 paid to men, which is significantly less than the national average.

At the same time, women make up almost half—48 percent—of the Louisiana workforce, and 24 percent of married, employed mothers in Louisiana are their family's primary wage earners.

This bill is the next step. It is the right step. It is the commonsense step to fight against wage discrimination, and I am proud to join my colleague from Baltimore, from the State of Maryland, in championing this particular bill.

Again, I thank the Senator from Maryland and I look forward to working with her and my colleagues to try to get this bill to the President's desk in the next few weeks. This is an economic development issue, as the Senator from Maryland knows.

I yield the floor.

Ms. MIKULSKI. Mr. President, before the Senator leaves the floor, first of all, we thank her for her statement. I wonder if she would yield for a question.

Ms. LANDRIEU. Yes, I will.

Ms. MIKULSKI. The Senator chairs the Committee on Small Business and has been steadfast and has worked with the ranking member, Senator OLYMPIA SNOWE. Much has been said on cable TV about how this is going to smash and decimate small businesses. Is that true? I come from a small business family. My father owned a small grocery store. But cashiers are cashiers, male or female.

Ms. LANDRIEU. Absolutely. And it is not. That is why I stressed, I say to the Senator from Maryland, that in this bill, which the Senator has so ably

sponsored and written, the screen to get into court is tighter than in other wage discrimination laws on the books. That is for the protection of all businesses, small and large, so they are not clobbered with frivolous lawsuits.

But as the Presiding Officer knows, many women are employed in small businesses—I mean between 1 and 5 employees or 1 and 10 employees. They need to be protected in the workplace. Hopefully, we have created a balance between the owners of the business and their employees, whether they are union or not.

Ms. MIKULSKI. I thank the Senator for her comments and clarification.

I now yield 3 minutes to the Senator from Connecticut, Mr. BLUMENTHAL, a newcomer, but certainly he is one whose experience in Connecticut as an attorney general, who has actually had to litigate some of these cases, brings excellent insight to this issue, and we welcome his remarks.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, first, let me join so many of my colleagues in thanking the Senator from Maryland for being such a steadfast and strong champion and a model for me as a newcomer of leadership in the Senate. I thank all the women who have spoken today—the women of the Senate—who are, on this issue and so often on other issues, our conscience in this body. They are cutting through the unfounded—indeed, counterfactual—arguments made against this measure, which is simply a common-sense fulfillment of the American precept that people who work equally hard and equally well should be paid equally.

The question before this body is, are women worth less than men? The answer today and every day should be no. They are worth every bit as much as men when they work as hard and well, and they should be entitled to equal pay for equal work. Yet in too many jobs in Connecticut and around the country, women continue to earn substantially less than men.

In Connecticut, the number is 78 cents on the dollar, and that fact is unacceptable.

This issue goes beyond the women who are affected individually. It is about their families. Because, on average, mothers in Connecticut contribute 40 percent to their family's earnings.

Closing the pay gap for women would strengthen the finances of families around Connecticut and across the country.

This issue is about more than just women and families; it is about children. The burden of wage discrimination weighs heavily on the 549,000 Connecticut children in households dependent on the money earned by their moms. The victims of this gender pay gap are the children of families whose mothers are discriminated against.

This issue is about the economy. Those women who are denied equal pay

have less to spend. If the wage gap were eliminated, working women in Connecticut would have additional earnings to purchase 109 more weeks of food for the average family, make 7 more months of mortgage payments or purchase 3,000 additional gallons of gasoline.

I urge my colleagues to be on the right side of history. As Martin Luther King, Jr., said: The arc of history is long, but it bends towards justice. Let us do justice today in this measure and pass the Paycheck Fairness Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I now yield the floor to Senator HARKIN, the chairman of the HELP Committee, which is where this bill originated. We thank him again for all his hard work on this issue and others related to any wage discrimination and standing up for women. I yield the chairman of the committee such time as he requires.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank Senator MIKULSKI for her tremendous leadership on this issue—a lot of issues, quite frankly. But she has focused laser-like attention on this issue for so long, and I would hope, when we have this vote at 2:30, we can at least get to the bill and debate the bill and have amendments on the bill. But I am afraid our Republican colleagues are not going to let us do that.

Again, I applaud the senior Senator from Maryland, Ms. MIKULSKI, for introducing the Paycheck Fairness Act and fighting so hard for so long for it.

Again, to repeat what has been said before—but I think it needs to be repeated time and time again—in 1963, Congress responded to wage disparities between men and women by passing the Equal Pay Act of 1963. At that time, 25 million female workers earned just 60 percent of the average pay for men.

Now, nearly half a century after the passage of that landmark law, we have made some progress toward eliminating this gross inequality, but it is not enough. There should be no gap. But today, a wage gap continues to exist within every segment of our economy, at all education levels and in all occupations. So for every \$1 a man earns now, a woman earns just 77 cents. That is better than 60 cents, as it was in 1963. But one would think a half a century later we would at least be equivalent. But now it is still just 77 cents.

Women's lower wages add up tremendously over a career. Over the course of a 40-year career, women, on average, earn nearly \$400,000 less than men. Women with a college degree or more face a career wage gap of more than \$700,000 over a lifetime of work when compared with men with the same education.

The consequences of the gender pay gap are enormous, impacting not just

women but families as well. In today's economy, women represent half of all workers and earn an increasing share of family income. Two-thirds of mothers are major contributors to family income. In today's economy, when a mother earns less than her male colleagues, it is her family—her family—that often must sacrifice even the basic necessities, such as purchasing needed pharmaceuticals and putting healthy food on the table. In many cases, women have to work more hours to earn the same paycheck as men, reducing time spent with their family.

While many factors influence a worker's earnings—including occupation, education, and work experience—there is overwhelming evidence that actual gender discrimination accounts for much of the disparity between men's and women's pay. But, unfortunately, our laws have not done enough to prevent this discrimination.

While I am pleased that the first piece of legislation President Obama signed into law was the Lilly Ledbetter Fair Pay Act—again, that was only a first step; we need to do much more—too many women are still not getting paid equally for doing the exact same job as men. This is illegal, but it happens every day. There are just too many loopholes in our existing laws and too many barriers to effective enforcement.

That is why we need to pass the Paycheck Fairness Act. I thank Senator MIKULSKI for her leadership in advancing this bill. In 2010, we had a hearing on this in our committee, and I was hopeful it would pass in the last Congress. But as has happened too often in recent years, Senate Republicans filibustered the bill. So understand this: 58 U.S. Senators—58; that is more than just a small majority, that is a big majority—voted to support this legislation. But because of Republican obstructionism and filibusters, we could not even proceed to debate the bill because we had to have 60. We had 58 Senators supporting the bill. That was 2 years ago.

Two years later, Republican obstructionism continues. I want the American people to understand this. Republicans—the minority party—are preventing this Senate from even considering the issue of unequal wages and gender discrimination. Let me repeat: Republicans are not just preventing this important legislation from receiving an up-or-down vote, they are preventing the Senate—supposedly the world's greatest deliberative body—from even debating and considering the bill. Millions of women and their families are concerned about the fact that they get paid less than their male colleagues. Nevertheless, Republicans will not even allow a debate on the issue in this body, debate and amendment on the bill.

As an aside, I might say another reason why we need filibuster reform. This country cannot go on like this. This country cannot go on with gridlock as

we have had it in the Senate. We need to reform and do away with the filibuster as it now is being used. We need to do away with it when the Senate reconvenes after the election next January.

Strengthening our existing laws by passing the Paycheck Fairness Act is the next step toward wage equality, but it cannot be the last one. We must also tackle the more subtle discrimination that occurs when we systematically undervalue the work traditionally done by women—I repeat, when we undervalue the work traditionally done by women.

The fact is, millions of female-dominated jobs—jobs that are equivalent in skills, effort, responsibility, and working conditions to similar jobs dominated by men—pay significantly less than the male-dominated jobs. This is hard to fathom and impossible to justify.

Let me point out a couple things. Why is a housekeeper worth less than a janitor? Mr. President, 89 percent of maids are female; 67 percent of janitors are male. While the jobs are equivalent, the median weekly earnings for a maid is \$387; for a janitor, it is \$463.

Truckdrivers—a job that is 95 percent male—have a median weekly earnings of \$686. In contrast, a childcare worker—a job that is 95 percent female—OK, we got that: truckdrivers are 95 percent male, they get \$686 a week, median; a childcare worker, 95 percent female, has median weekly earnings of \$400.

Why do we value someone who moves products more than we value someone who looks after the safety and well-being of our children? I am not here to say the truckdriver is overpaid; it is to say that jobs we consider “women’s work” are underpaid.

When we connect these things we say: You are right. Jobs we think of traditionally as being women’s jobs are totally undervalued in our society. That is why in every session of Congress since 1996 I have introduced the Fair Pay Act along with Congresswoman ELEANOR HOLMES NORTON, which would require employers to require equal pay for equivalent jobs—equalize pay for equal jobs. This bill would require employers to provide equal pay for jobs that are equivalent in skill, effort, responsibility, and working conditions.

Now, one might say: Well, that sounds way out. How can we do that? Well, in 1982, the State of Minnesota implemented a pay equity plan for its State employees. They found that women were segregated into historically female-dominated jobs, and these jobs paid 20 percent less than male-dominated jobs. So the State of Minnesota instituted this law. Pay equity wage adjustments were phased in over 4 years, leading to an average pay increase of \$200 per month for women in female-dominated jobs. The wage gap closed by approximately 9 percent.

In 1984, the Republican Governor, Republican Legislature, passed similar

legislation in the State of Iowa: pay equity for equivalent jobs—equivalent jobs. So this is not unheard of in this country. It is unheard of for us to do it at the Federal level covering everybody, but some States have already taken leave—as I said, Minnesota in 1982 and Iowa in 1984.

This bill would require employers to publicly disclose their job categories and pay scales—not individual employees’ pay but their categories and pay scales. That way a woman would know whether she needed to negotiate a better deal. Right now women who believe they are the victim of pay discrimination must file a lawsuit and endure a drawn-out legal discovery process to find out whether they make less than the man working beside them. Well, with pay statistics readily available for categories and pay scales, this whole process could be avoided.

I asked Lilly Ledbetter at a hearing once: If the Fair Pay Act, the one I am talking about now, had been law, would it have obviated your wage discrimination case? She said with the information about pay scales this bill provides, she would have known she was a victim of discrimination and could have addressed the problem much sooner, before it caused a lifelong drop in her earnings and before she had to go all the way to the Supreme Court to try to make things right.

If Republicans allowed us to proceed to the bill, I would offer the Fair Pay Act as an amendment. Yet I emphasize again, because of the Republican obstructionism, we cannot even debate or amend the bill. We cannot even bring it up and amend the bill.

Finally, I want to comment on the RAISE Act. My Republican colleagues would have us believe that we can solve the pay gap by allowing employers to give merit-based pay increases above levels negotiated in a collective bargaining agreement. Well, this is nonsense. The RAISE Act has nothing to do with women’s pay. Rather than seriously discussing gender discrimination, the Republicans have tried to change the subject by resorting to yet another partisan attack on organized labor—on labor unions.

In fact, not only does the RAISE Act do nothing to address the discrimination faced by women in this country, the RAISE Act would both exacerbate the wage gap and lower pay for all workers. Collective bargaining agreements raise wages for all workers. The RAISE Act would undermine collective bargaining by requiring that all union contracts include provisions allowing employers to unilaterally grant wage increases to select employees.

The primary effect would be to weaken the union’s ability to bargain for higher wages for all workers. It would also give employers unfettered discretion to dole out pay increases to preferred employees. That is a recipe for more discrimination, not less.

I urge my colleagues to stand with Senator MIKULSKI in support of the

Paycheck Fairness Act today. It is a simple, commonsense piece of legislation. There is no reason we should not take it up and pass it right away. Once we have closed the loopholes and ensured effective enforcement of the Equal Pay Act, we must turn our attention to the millions of women, especially low-wage workers, whose work is undervalued. Think of childcare workers. Think of the women who are now taking care of our elderly who are living longer but need supportive care in their later years, mostly women. Why is that work being undervalued? We must ensure they receive the recognition and fair treatment and fair pay they deserve by passing the Fair Pay Act.

In closing, the fight for economic equality is far from over. It should not be over until every working woman in America receives a fair day’s pay for a fair day’s work.

As the chair of the HELP Committee, I plan to keep advocating for fair pay and focusing on equal wages until we have achieved real equality for women across the country. But first things first. It is time for our Republican colleagues to end the filibuster and allow the Pay Check Fairness Act to come to the floor this afternoon for debate, amendments, and a final vote.

I yield the floor.

Mr. LEAHY. Mr. President, today, we have an opportunity to take another long overdue step to close the wage gap between men and women. Equal pay for equal work should not be a Democratic nor a Republican issue but an American issue of basic fairness. It is shameful that gender discrimination still exists in our country and more so at a time when women make an ever-increasing number of heads of households. That is why I am proud to join Senator MIKULSKI as a cosponsor of the Paycheck Fairness Act.

Vermont has been a leader in the fight of equal pay for equal work. According to a recent report by the American Association of University Women, the State of Vermont leads the Nation, second only to the District of Columbia, in equal pay issues, yet Vermont women still make just 84 cents on the dollar compared to their male counterparts. Over a decade ago, the Vermont Legislature passed legislation requiring equal pay for equal work, barring employers from retaliating against employees for disclosing the amount of their wages, and made it easier to file wage discrimination claims. Unfortunately, not all States offer these protections. The Paycheck Fairness Act is a step in the right direction to bring Vermont’s inclusive example to the Federal level.

The Paycheck Fairness Act sets out a clear path to address the systemic problems that result from pay disparities. It takes critical steps to ensure that employers follow the law; prohibits retaliation against workers for disclosing their own wage information or for filing a charge in an Equal Pay

Act proceeding; strengthens penalties for equal pay violations; adds programs for training, research, technical assistance to help better identify and handle wage disputes; and establishes a national award for pay equity in the workplace recognizing employers who demonstrate "substantial effort to eliminate pay disparities between men and women."

The Paycheck Fairness Act would also narrow the criteria under which an employer can defend pay disparities and enlist the Department of Labor to help eliminate gender-based pay gaps. This bill would ensure that American women and their families aren't taking home smaller paychecks because of their gender. Another piece of this legislation specifically deals with reforming the procedures and remedies for enforcing the law. It would mandate record-keeping and data collection for better enforcement of the law. Under this bill, the Equal Employment Opportunity Commission would be directed to issue regulations for the collection of wage data from employers based on sex, race, and ethnicity.

This legislation would be another in a series of bills seeking to address the harms against working women. The Equal Pay Act was enacted in 1963 to protect employees against wage discrimination with respect to an individual's race, ethnicity, religion, or sex. It is true that we have closed the wage gap for women versus their male counterparts from 61 cents on the dollar in 1961 to 77 cents today, according to the Bureau of Labor Statistics. However, that decreases to 62 cents on the dollar for African-American women and just 53 cents on the dollar for Hispanic-American women. Being 77 percent right is not good enough. The efforts to achieve parity for women in the workplace must continue.

In 2009, I joined Senator MIKULSKI and others in introducing the Lilly Ledbetter Fair Pay Restoration Act. That bill was necessary to remedy the Supreme Court's divided decision in *Ledbetter v. Goodyear*, which struck a severe blow to the rights of working families across our country. The *Ledbetter* decision stripped back 40 years of progress to eliminate workplace discrimination.

In that case, Ms. Ledbetter worked for nearly 20 years as a manager at a Goodyear factory in Gadsden, AL. After decades of service, she learned through an anonymous note that her employer had been discriminating against her for years. She was the only woman among 16 employees at her management level, yet Ms. Ledbetter was paid between 15 and 40 percent less than all of her male colleagues, including several who had significantly less seniority. After filing a complaint with the Equal Employment Opportunity Commission, a Federal jury found that Ms. Ledbetter was owed almost \$225,000 in back pay. However, five members of the Supreme Court overturned her jury verdict because she had filed her law-

suit more than 180 days after her employer's original discriminatory act. The Lilly Ledbetter Fair Pay Restoration Act restored victims' ability to file suit for pay discrimination and was among the first bills to be signed into law by President Obama. It is not surprising that yesterday the administration announced its strong support for the Paycheck Fairness Act. Congress should send this legislation to President Obama to be signed into law, without delay.

Wage discrimination affects women of every generation and every socioeconomic background. It is not limited to one line of work or level of education. The Paycheck Fairness Act is a step in securing that equal pay for equal work is more than just a slogan or an ideal but a reality for every American, regardless of gender, race, or any other factor that does not evaluate people on the basis of what they can offer and what they can contribute to the workforce. I urge all Senators to join in passing the Paycheck Fairness Act to ensure all of our daughters and granddaughters and future generations of Americans are not subject to the same injustice that has plagued women for decades.

Mr. INOUE. Mr. President, above my desk in Washington is a copy of the labor contract that was signed by my grandfather, Asakichi Inouye, in July 1899. In the agreement, my grandfather would be paid \$15 a month to work at the McBryde Sugar Company on the Island of Kauai. My grandmother, Moyo, would be paid \$10 a month. Women like my grandmother were an important part of the workforce for Hawaii's sugar plantations, but they were paid less for doing the same type of work as men and did not receive the same advancement opportunities. While our Nation has made great strides in promoting gender equity since 1899, there is still more to do.

According to the Joint Economic Committee, women in Hawaii today earn 76 cents for every dollar paid to men. Over a 40-year career, a woman in Hawaii would earn \$433,000 less than her male counterparts. Women represent 48 percent of my State's workforce and 41 percent of married women are their families' primary wage earner. Studies have shown that the gender wage gap affects women regardless of their educational level or occupational field. Eliminating the wage gap is not only a matter of fairness for equal pay for equal work; it is also one of economic security for middle-class families.

In a challenging economy, men are more likely than women to lose their jobs. This means that families across the country increasingly have had to rely on a woman's paycheck to make ends meet. For vulnerable families hard hit by unemployment, closing the wage gap would help put food on the table or pay the mortgage. Let us also remember that the wage gap undermines women's retirement security

through reduced Social Security benefits.

S. 3220, the Paycheck Fairness Act, strengthens the foundations of the Equal Pay Act of 1963 and the Lilly Ledbetter Fair Pay Act of 2009. The Paycheck Fairness Act would provide for stronger enforcement of prohibitions against wage discrimination. It would also prohibit retaliation against workers who ask about pay practices or disclose their own pay. In short, the Paycheck Fairness Act would help women successfully fight for the equal pay they have earned.

In 1963, when Congress passed the Equal Pay Act, women earned 59 cents to every dollar earned by men. Today, women earn 77 cents to the dollar. At this rate, the wage gap would take more than 40 years to close. Women and their families cannot wait any longer. My vote today is not only to recognize and honor the work of women since my grandmother's generation, but it is also a vote for economic justice for future generations of young women like my granddaughter. I urge my colleagues to join me in supporting the Paycheck Fairness Act.

Mrs. FEINSTEIN. Mr. President, I rise today to stand in support of equal pay for equal work.

Forty-nine years ago, the Equal Pay Act was signed into law. Yet, gender-based wage discrimination remains a serious problem for women in the U.S. workplace and it has very real implications for their families.

Today we will vote on legislation that is a matter of basic justice and fairness. The Paycheck Fairness Act will update the Equal Pay Act by closing loopholes and strengthening incentives to prevent pay discrimination by employers.

Without a doubt, the Equal Pay Act has helped women achieve significant progress in the workplace. However, the gender pay gap remains just as real today as it was almost 50 years ago.

It is true: Although women make up about half of today's workforce, women still earn only about 77 percent of what men earn. That's wrong.

Women in the workplace, the women who head households or earn the only paycheck in a family—the women in the trenches of this economy—know this fundamental truth:

The gender wage gap exists—it is not a myth.

It has implications for families and our economy.

It has been with us too long and we have a chance and obligation to fix it.

I have heard lots of stories about paycheck disparities in California. I know my colleagues have heard similar stories from women in their states.

In-depth studies reveal the existence of gender pay disparities, regardless of age, occupation, education or marital status.

According to the National Partnership for Women & Families, the pay gap has been narrowing by one-half of a cent every year since 1963.



This means, without Congressional action, women will not achieve pay parity with men until the year 2056.

Let me share a story about a woman from Sylmar, CA who worked at a local retail store. She wrote me a letter and said:

I know firsthand about unequal pay for equal jobs. I worked with two male associates, all doing the same job. I was hired at 25 cents more an hour than the two males because I had more job experience.

Less than six months later, I learned that one of the males had received a 'merit raise' which put his hourly rate higher than mine. He had been absent many times.

When I asked for a merit raise, based on no absences, good customer comments and always going above and beyond in my job, I was told by male management: "You don't deserve a merit raise."

The discrimination was obvious.

In California, there are 5.3 million children—2.6 million households—wholly or partially dependent on a mother's earnings.

According to recent census estimates, in California, the average pay for a woman working full time, year round is \$41,302 per year, while the average for a man is \$49,453.

This means that women are paid 84 cents for every dollar paid to men.

Put another way, this amounts to a yearly gap of \$8,151 between full-time working men and women in the State.

The figures are even worse for women of color. African American women earned about 62 cents and Latinas only 57 cents for every \$1 earned by a male.

As a group, full-time working women in California lose approximately \$36 billion each year due to the wage gap.

According to the National Partnership for Women and Families, if the wage gap were eliminated, a working woman in California would have enough money for approximately 62 more weeks of food, four more months of mortgage and utilities payments, seven more months of rent, 25 more months of family health insurance premiums or 1,914 additional gallons of gas.

Equal pay in not only a women's issue—millions of families rely on a woman's paycheck for its family's earnings.

Women are critical to driving this economy. So ensuring equal pay for equal work benefits the entire economy.

When women earn less than men, fewer dollars are available to go back into the economy as consumer spending.

As we emerge from one of the worst recessions in history, the Paycheck Fairness Act would ensure that American women and their families aren't bringing home smaller paychecks because of discrimination. Let's pass this commonsense bill and move one step closer to paycheck fairness.

Mr. KERRY. Mr. President, at a time when families across America are struggling to make ends meet, equal pay for equal work isn't just a women's issue, it is a family issue. As the father

of two daughters, I also see it as a fairness issue. I am an original cosponsor of the Paycheck Fairness Act because all of our daughters deserve the right to be compensated and valued fairly. This bill would take strong action to address the gender pay gap by helping women successfully fight for the equal pay they earn.

This bill would address the pay gap by enhancing enforcement of equal pay laws. Specifically, it would prohibit retaliation against workers who ask about or discuss wage information, and would provide more effective remedies for women subjected to discriminatory pay practices. It also requires the Equal Employment Opportunity Commission to collect pay data to enable better enforcement of laws prohibiting pay discrimination.

Across the Nation, women continue to earn substantially less than men for performing the same work. Women earn only 77 cents for every \$1 men earn, with women of color at an even greater disadvantage with 64 cents on the dollar for African-American women and 56 cents for Hispanic women. As more and more American families rely on women's wages for a significant portion of their income, the pay gap hurts not only women, but the families that depend on them.

Today, in my home State of Massachusetts, women make up 49 percent of the state workforce and 31 percent of married employed mothers in Massachusetts are their families' primary wage earners.

Unfortunately, women in Massachusetts earn less across all occupations and educational levels. Research clearly demonstrates that regardless of occupation, education, industry, marital status, and other factors, pay for women lags behind their male counterparts. Women's median earnings are less than men's median earnings in almost every major occupation.

This burden of wage discrimination weighs heavily on the almost 1 million Massachusetts children in households dependent on their mothers' earnings. As the main breadwinners, women are asked to carry a greater economic load while only earning 81 cents for every \$1 paid to men. Over their lifetimes, these Massachusetts women will earn \$475,000 less than their male counterparts. This pay gap has harmed the families of roughly 1,576,000 women in the Massachusetts workforce, especially as the workforce participation rate of women has risen. On average, mothers in Massachusetts contribute to 37 percent of their family's earnings. Closing the gender pay gap would strengthen the finances of these families, and the State economy. If the wage gap is eliminated, these families would have additional earnings to purchase 83 more weeks of food or 5 months of mortgage payments or more than 2,500 additional gallons of gasoline.

I am disappointed and frustrated that the Senate failed to move ahead on this important legislation due to minority

opposition. Republicans filibustered this commonsense legislation that would ensure fair pay for equal work—and then not a single Republican Senator voted in favor of moving it forward. It is incomprehensible to me that Members who claim to want to strengthen the economy and provide jobs for everyone would vote to ignore half of our population. Economic security should be for all Americans and legislation ensuring a level playing field just makes sense. Eliminating the pay gap will make Massachusetts families and families across the Nation more secure.

Mr. LEVIN. Mr. President, today the Senate is once again attempting to move forward with the Paycheck Fairness Act. This legislation would strengthen and modernize the Equal Pay Act of 1963 by providing new tools to combat gender-based wage discrimination. Among other things, this bill would require employers to demonstrate that wage differences between genders for comparable work are due to business decisions, and not gender. It also would prohibit employers from retaliating against employees who inquire about wage practices or share salary information with their colleagues. And it would strengthen penalties for equal pay violations.

Closing the gender pay gap is always an important and worthwhile goal, but this is the case especially in the current tough economic climate where it is increasingly common for women to be the primary or even sole breadwinner in a family. For example, in Michigan, over a third of families with dependent children rely on a working mother's salary for their primary income. This represents the families of over half a million children. And here is the important part—while the averages have varied, current figures indicate that women still only make 77 cents for every dollar made by their male counterparts.

These are prolonged, tough, economic times, and there is no justifiable reason for the U.S. Senate not to do everything in its power to support policies that can help women in this country support themselves and their families by ensuring they are being paid the same wage as their male counterparts for comparable work. This is not just an issue of gender equality; it is one of economic equality and fairness. It is deeply discouraging for our Republican colleagues to be filibustering this measure.

Mr. ENZI. Mr. President, when the Senate rejected this legislation 20 months ago in a bipartisan vote it did so for the right reasons. The fact is, discriminatory pay practices are already illegal, and properly so. Congress has put two laws on the books to combat such discrimination—Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. These are both

good laws that have been well-utilized to combat discrimination where it exists, and I support full enforcement of those laws. When a female or male employee is being paid less simply because of gender it must be corrected and penalized. According to the Equal Employment Opportunity Commission, EEOC, employees received more than \$150 million through successfully-resolved Title VII and EPA discrimination claims last year, the largest amount awarded in 15 years.

I am confident that there is no member of this Senate who would tolerate paying a woman less for the same work simply because she is a woman. As husbands, fathers and mothers of working women, I believe we all recognize the gross inequity of discrimination in pay based on gender. But what the majority is trying to push through here today is of a very different nature. The so-called Paycheck Fairness Act is misnamed. It should actually be called a Profiteering Trial Lawyers Bonanza bill. The primary beneficiary of this legislation will be trial lawyers. They will be able to bring bigger class action lawsuits without even getting the consent of plaintiffs, and they will have the weapon of "uncapped damages" to force employers to settle lawsuits even when they know they have done nothing wrong. The litigation bonanza this bill would create would extend even to the smallest of small businesses, only further hampering the lagging economic recovery.

With unemployment trending back up to 8.2 percent, this is simply not a chance we can afford to take. When the Senate last rejected this bill, unemployment had been above 8% for 20 months. Now, it has doubled to 40 months, and it is trending higher. If we include the significant numbers of people that have simply dropped out of the workforce, the unemployment rate is over 14 percent. The United States is in very dangerous territory right now. This is not the time to pass this harmful legislation.

There are a number of other concerning provisions of this bill, such as authorizing the government to require reporting of every employer's wage data by sex, race and national origin. Had this bill gone through committee mark up under regular Senate order, we may have been able to address some of these concerns. But this bill, like so many others this Congress, has circumvented regular order.

The Senate rejected this identical bill on a bipartisan basis 20 months ago because it will insert the Federal Government into workplace management decisions like never before. This intrusion will benefit trial lawyers and harm job growth and employment, which will affect both women and men.

Supporters of the bill cite wage data that the Bureau of Labor Statistics itself says "do not control for many factors that can be significant in explaining earning differences." In fact, studies show that if you factor in ob-

servable choices such as part-time work, seniority and occupational choice, the pay gap stands between 5 to 7 percent. Some of these choices are simply personal prerogative, and I would not question the choices that anyone makes with regard to family obligations, job security and the quality of fringe benefits such as health, retirement and childcare. But to a large extent this remaining gap is due to occupational choice. It is unfortunate that this Congress has not done more to foster a job growth environment and improve job training programs like the Workforce Investment Act that could prepare more women to enter higher earning occupational fields. Surely this would be a more reasonable solution than a trial lawyer bonanza sure to disadvantage all employers and depress job growth to the disadvantage of all employees.

I ask unanimous consent to have printed in the RECORD letters of opposition to S. 3220. I urge my colleagues to oppose this motion.

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

MAY 24, 2012.

Hon. HARRY REID,  
Majority Leader, U.S. Senate, Washington, DC.  
Hon. MITCH MCCONNELL,  
Minority Leader, U.S. Senate, Washington, DC.

DEAR LEADERS REID AND MCCONNELL: The undersigned urge you and your colleagues to VOTE NO on cloture on the motion to proceed to the Paycheck Fairness Act (S. 3220). The vote is currently scheduled for June 5. Our organizations represent millions of employers who are committed to ensuring equal employment opportunities for men and women alike. While we have no tolerance for unlawful discrimination, we vigorously oppose S. 3220.

The Paycheck Fairness Act would impose unprecedented government control over how employees are paid at even the nation's smallest employers. This flawed legislation could outlaw many legitimate practices that employers currently use to set employee pay rates, even where there is no evidence of intentional discrimination. Common practices that a court could find unlawful under S. 3220 include providing premium pay for professional experience, education, shift differentials or hazardous work, as well as pay differentials based on local labor market rates or an organization's profitability. This level of government intervention in employee compensation is both unprecedented and unwarranted in the United States.

The provisions of the Paycheck Fairness Act would harm employers of all sizes, as the bill would apply to employers with as few as two employees. The threat the bill poses to small business is particularly troubling given the draconian penalties found in this legislation, which include unlimited damages regardless of whether a pay discrepancy was unintentional.

A number of federal laws already specifically protect employees from pay discrimination, including the Equal Pay Act, the Civil Rights Act and the Lilly Ledbetter Fair Pay Act. These laws prohibit pay disparities based on gender and provide robust remedies and damages to victims of pay discrimination. As The Washington Post editorial board stated in 2009, adding the Paycheck Fairness Act to these existing laws "risks tilting the scales too far against employers and would remove, rather than restore, a

sense of balance." In 2010, the Boston Globe wrote "the measure as a whole is too broad" and the Chicago Tribune described the bill as "grossly intrusive."

Once again, we urge all senators to oppose the Paycheck Fairness Act.

Sincerely,

American Bakers Association, American Bankers Association, American Hotel & Lodging Association, Associated Builders & Contractors, Inc., College and University Professional Association for Human Resources, Food Marketing Institute, HR Policy Association, International Public Management Association for Human Resources, National Association of Manufacturers, National Association of Wholesaler-Distributors, National Council of Chain Restaurants, National Council of Textile Organizations, National Federation of Independent Business, National Public Employer Labor Relations Association, National Restaurant Association, National Retail Federation, National Roofing Contractors Association, Printing Industries of America, Retail Industry Leaders Association, Small Business & Entrepreneurship Council, Society for Human Resource Management, U.S. Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,  
CONGRESSIONAL & PUBLIC AFFAIRS,

Washington, DC, June 4, 2012.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly opposes S. 3220, the "Paycheck Fairness Act." The Chamber strongly supports equal employment opportunity and appropriate enforcement of the Equal Pay Act (EPA) and Title VII of the Civil Rights Act of 1964. However, this bill would, among other things, expand remedies under the EPA to include unlimited punitive and compensatory damages, significantly erode employer defenses for legitimate pay disparities, and imposes invalid tools for enforcement by the Labor Department.

The EPA, while allowing recovery for lost back pay, does not provide for compensatory and punitive damages, nor should it. The EPA is a strict liability statute in that there is no requirement that the employer intend to act unlawfully. It strains logic to mandate that damages conceived and designed to punish and deter wrongful conduct should apply to claims of inadvertent, unintentional conduct that has the effect of violating the EPA. If a plaintiff can demonstrate that a wage disparity is due to intentional discrimination, then he or she should bring a claim under Title VII of the Civil Rights Act of 1964, where punitive and compensatory damages (capped at certain levels) are available.

S. 3220 would also significantly erode the defenses available to employers under the EPA. For example, the bill would permit plaintiffs to challenge otherwise legitimate employer pay decisions by showing that some other employment practice might achieve the same business purpose without creating the disparity. Further, the employment decision in question must also be proven to be required by "business necessity." These provisions would open up compensation and employment decisions to limitless review by courts and juries and would ultimately lead to an inefficient, cumbersome, and costly salary-setting process. In addition, the bill would modify existing rules concerning collective actions, making it easier for plaintiffs' attorneys to mount class action suits.

In addition, the bill would make a number of regulatory changes at the Labor Department related to equal employment opportunity requirements for federal contractors. Re-imposing the flawed Equal Opportunity Survey and requiring use of dubious statistical models for determining whether employers engage in systematic compensation discrimination, would do nothing to combat discrimination and instead would waste both enforcement and employer resources.

Litigation in employment discrimination has exploded since the inclusion of compensatory and punitive damages under Title VII, resulting in increased costs associated with attorneys' fees and employment investigations as employers must respond to each charge filed, whether frivolous or not. Further increasing the opportunity for frivolous litigation will only further serve to undermine our nation's civil rights laws.

The Chamber strongly opposes S. 3220 and urges you to vote against this legislation. The Chamber may consider including votes on, or in relation to, S. 3220—including on procedural votes and any motion to proceed—in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL RETAIL FEDERATION,  
Washington, DC, May 31, 2012.

Hon. MICHAEL B. ENZI,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR ENZI: On behalf of the National Retail Federation, I am writing to urge you to oppose S. 3220, legislation that would greatly increase government involvement in pay decisions in businesses of all sizes and give trial lawyers an incentive to pursue unlimited litigation against American employers. Votes on S. 3220 will be considered a "key vote" by the National Retail Federation and the retail industry.

Retailers strongly oppose discrimination of all types. Sex discrimination in employment is no exception. Two federal laws protect employees from gender-based pay inequity: Title VII of the Civil Rights Act of 1964 and the Equal Pay Act of 1963. Both laws have broad coverage, prohibit intentional gender-based pay discrimination and impose liability on employers for gender-pay differences, even where there is no evidence of intentional discrimination if the employer fails to justify the pay discrepancies.

The pending legislation, S. 3220, would dramatically expand the Equal Pay Act to allow workers who claim they are the victims of gender-based wage discrimination to sue for unlimited compensatory and punitive damages. Moreover, its provisions would allow business owners to be sued if wage differentials exist due to local market rates, revenue production, or profitability. As a result, S. 3220 could effectively block retailers from considering issues such as store location and local economic conditions in setting wage rates.

Furthermore, the bill expedites class action lawsuits by requiring employees to "opt-out" of the class, effectively using size to force settlements against the Main Street businesses that will become its target. The legislation would also direct the Equal Employment Opportunity Commission (EEOC) to collect employee pay and compensation data from covered employers. Nothing in the bill would prevent this data from being publicly disclosed by the EEOC or made available through a Freedom of Information Act request.

Again, the National Retail Federation strongly urges you to oppose S. 3220, and we

will consider a vote on this legislation a key vote for the retail industry.

Sincerely,

DAVID FRENCH,  
Senior Vice President,  
Government Relations.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### PAYCHECK FAIRNESS ACT— MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 will be equally divided, with the minority controlling the first half.

Mrs. MURRAY. 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.

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

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

Mrs. MURRAY. Mr. President, we are coming to a very critical vote. Today we have the opportunity to address an issue that affects the bottom line of nearly every American family. The paychecks that American women take home at the end of each week or each month are as tied to our economic health as just about anything else. It is what helps sustain local businesses. It is what pays grocery bills at the end of the month. It makes mortgage payments. Ultimately, the pay women receive as we continue to make up a larger and larger part of our workforce is going to be critical to the growth of this Nation. Yet over the course of the past week, as we have debated this bill in the Senate and across the country, we have been met by either silence or resistance from those on the other side of the aisle. Time and again we have heard the same excuses on why we cannot join together to provide the guaranteed fairness women deserve.

First, we heard this was a "manufactured issue." Mr. President, if you talk to American women all across our country, you will quickly learn what some of my colleagues have called "manufactured" is an all-too-real part of everyday American women's lives. Women will tell you that at a time when families across America are struggling to make ends meet, equal pay for equal work should not be a pipe dream; it should be law. They will tell you that nearly 50 years after the Equal Pay Act was signed, the pay gap between what men and women earn is just as real today as it was back then. They will tell you women still earn 77 cents for every dollar earned by men.

They will tell you this gap undermines their retirement security because they receive reduced Social Security benefits. Then, most importantly, they will tell you women are not worth less than men.

The other argument we have heard is that this critical vote is in some way a distraction from the economic issues we face, as if somehow the pay of women—who compromise nearly half of all American workers—is not at its very core an economic issue. Let me be very clear. When women are not paid what they deserve, middle-class families, communities, and our economic growth pay the price.

Let's consider that in my home State of Washington where women still earn 77 cents on the dollar—or a pay gap that averages over \$11,000 in lost earnings every year—for the average family that is an extra 90 weeks of groceries, it is 7 months of mortgage payments or it is 179 tanks of gasoline—all at a time when women are participating in the workforce at higher rates than ever before.

Surely, my friends and colleagues on the other side of the aisle realize this is not the time to be denying American families this extra income they need to make ends meet. Surely, we should be guaranteeing American women and their families the fairness they deserve. This should not be a partisan issue. Throughout the history of the Senate, we have joined together to root out discriminatory practices and provide the protections American workers deserve. Today, as American families struggle, it is time to make sure unfair practices are not contributing to those struggles.

Today we have an opportunity to close loopholes in the system that allows for pay discrimination, to create strong incentives for employers to obey the laws that are in place, and to strengthen Federal outreach and enforcement efforts on behalf of women.

Today we all have an opportunity to say the status quo is not good enough. We have the opportunity to tell our daughters we are not going to let another generation face a pay gap because we are unwilling to stand and fight. We have the chance to improve our economy right now. So to those of my colleagues who claim to be so concerned about the economy and the struggles of the middle class, now is your chance to prove to your constituents you mean what you say. Now is the chance to provide nearly half of all Americans with the economic fairness they deserve. Now is the time to guarantee American women equal pay for equal work.

I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 410, S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Barbara A. Mikulski, Harry Reid, Maria Cantwell, Patty Murray, Frank R. Lautenberg, Jeff Bingaman, Sheldon Whitehouse, John F. Kerry, Kent Conrad, Jeanne Shaheen, Bernard Sanders, Tom Udall, Amy Klobuchar, Carl Levin, Mark R. Warner, Mark Pryor, Jack Reed, Kirsten E. Gillibrand.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

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

The yeas and nays resulted—yeas 52, nays 47, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52

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

NAYS—47

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

NOT VOTING—1

Kirk

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. I now withdraw my motion to proceed to Calendar No. 410, S. 3220.

The PRESIDING OFFICER. The motion is withdrawn.

AGRICULTURE REFORM, FOOD, AND JOBS ACT OF 2012—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 415, S. 3240.

The PRESIDING OFFICER. The motion is pending. The clerk will report the motion.

The legislative clerk read as follows: Motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agricultural programs through 2017, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk on the motion to proceed to this matter.

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

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 415, S. 3240, a bill to reauthorize agricultural programs through 2017, and for other purposes.

Harry Reid, Debbie Stabenow, Carl Levin, Kent Conrad, Jeff Bingaman, Herb Kohl, Patrick J. Leahy, Michael F. Bennett, Christopher A. Coons, Al Franken, Max Baucus, Barbara A. Mikulski, Ben Nelson, Amy Klobuchar, Sherrod Brown, Jeff Merkley, Robert P. Casey, Jr.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PAYCHECK FAIRNESS ACT

Ms. MIKULSKI. Will the leader yield for a question?

Mr. Leader, I noted that on the last vote, you voted no. Was that so the bill could be reconsidered?

Mr. REID. I say to my friend, through the Chair, there is no one in this body who has a reputation for a bigger and better fighter than BARBARA MIKULSKI, the senior Senator from Maryland. I entered the motion to reconsider the vote because I want the fight to continue.

Ms. MIKULSKI. I would like to respond to the majority leader. We want to fight too. We thank him for his vote and his voice. I want him to know that although we lost the vote today, we are not going to give up on this vote. It is a very sad day here in the Senate, but it is a sadder day every day when paycheck day comes and women continue to make less than men.

We are sorry that this vote occurred strictly on party lines. Under the leader's effort to reconsider, we hope to bring up this bill again. We hope to forge a bipartisan vote. We are coming up on the 49th anniversary of equal pay for equal work. We are not going to let this bill die in parliamentary entanglements. The majority should rule in the Senate.

I want to say this, in the words of Abigail Adams. While John Adams and all the guys were sitting around Philadelphia writing the Constitution, she wrote him a letter and said, "Don't forget the ladies." And they did it for 150 years, and then they forget, too, to get rid of the loopholes in the Equal Pay Act now. Well, Abigail said: If you forget us, we will foment our revolution, and we are going to foment our revolution.

So I say to the women here, to the good men who support us, to the women out there in America, let's keep this fight going. Put on your lipstick, square your shoulders, suit up, and let's fight for this new American revolution where women are paid equal pay for equal work. Let's end wage discrimination in this century once and for all.

Mr. REID. Mr. President, I appreciate very much the statement made by the Senator from Maryland, as usual. She will outline a way to proceed on this matter that will be dignified and strong.

I filed cloture on this motion to proceed to this very important bill relating to farm programs in America and nutrition programs in America—extremely important legislation. I am confident—maybe it is the wrong thing in the temperament of the Senate today—that we are going to be able to complete this bill. It is an important bill for America. It will be a good thing for this Congress to do this farm bill. The two managers of this bill, Senator STABENOW of Michigan and Senator ROBERTS of Kansas, have done a remarkably good job. This bill creates jobs and reduces subsidies by a significant amount. Where else would you find a bill that reduces the debt of this country by \$24 billion? This is a fine piece of legislation, and I hope we can work something out so we do not have to have a vote on this matter on Thursday, that we can start legislating.

We have had good fortune shine upon us on the last couple of big bills we brought through here. We had the managers work with floor staff to work on the relevant amendments and then have a way to finish the bill. I hope we can do that.

I repeat, I have confidence in Senator STABENOW and Senator ROBERTS. They are very good legislators. We need to proceed on this bill. This bill is not a Democratic bill or Republican bill, it is a bill for America.

Mrs. BOXER. Will the Senator yield for a question?

Mr. REID. I will be happy to.

Mrs. BOXER. I want to say that I agree with my friend's comments about

Senator STABENOW and Senator ROBERTS. I consider both my friends. They are terrific legislators.

THE PAYCHECK FAIRNESS ACT

I do want to go back to the vote that just occurred. I would note that we had present in the Chamber some of the House Members, women of the House. I think they are gone now. It was to underscore the importance of this vote and what it means.

My question goes to this: Is my colleague aware that women in their lifetime are so shortchanged that the average woman, in the course of her career, by the end of her career has made \$400,000 less than her male counterpart? Is my friend aware of that?

Mr. REID. Yes. In the State of Nevada—I am sure it is maybe more than that in California—in the State of Nevada, women earn \$400,000 less. A man in his lifetime makes X number of dollars, and in Nevada a woman makes \$400,000 less—in fact, a little more.

Mrs. BOXER. I think it is important for people to understand what just occurred. We had a straight party-line vote on an issue that impacts every single woman in this country. I think when people say there is a difference between the parties—I like working with my colleagues on the other side of the aisle. I have good relationships with them. But for goodness' sake, how can you have a party that, to a person here, votes against equal pay for equal work?

I will close with this question to my friend. It is my understanding that 90 percent of the people support the idea of equal pay for equal work. Is my leader aware of this, and when does he think he might bring this back before the body?

Mr. REID. I say to my friend, through the Chair, she is absolutely right. Seventy-seven percent of Republicans across America support this legislation. Eighty-one percent of men across America support this legislation.

Mrs. BOXER. I thank the Senator.

THE PRESIDING OFFICER (Mr. FRANKEN). The Senator from Michigan.

Ms. STABENOW. Mr. President, before speaking about moving forward on the Agriculture Reform, Food and Jobs Act, I want to thank our leader. I also want to thank Senator MIKULSKI. Together we have brought forward the issue of equal pay for equal work, and we intend to focus on that until we make this truly the law of the land.

Mr. President, I rise today to urge my colleagues to allow us to proceed to the Agriculture Reform, Food and Jobs Act, commonly known as the farm bill. I first want to thank my friend, colleague, and partner as we moved through the committee process, Senator ROBERTS. It has been terrific working with my ranking member and his staff. We worked in a truly bipartisan way. I think that is reflected in the fact that this bill came out of committee with a strong bipartisan vote of 16 Members and only 5 dissenting. We

are looking forward to working with all of our colleagues on the floor of the Senate to have this same kind of strong bipartisan vote as we move through the process in the Senate.

There are 16 million people in this country who have a job that relies on the strength of American agriculture. The farm bill is a jobs bill. Over the last few years when our Nation's economy has seen some very rough times, agriculture has been one of the few bright spots. In fact, in Michigan, during our toughest times in manufacturing, agriculture was growing five times faster than any other part of our economy. Agriculture is one of the only parts of the economy with a trade surplus. I think it is, in fact, our No. 1 trade surplus with \$42.5 billion in trade surplus.

We are growing it here, we are processing it here, developing it here, selling it overseas, but the jobs are here. This farm bill is all about keeping it that way. Last year our farmers exported \$136 billion worth of goods, which is a 270-percent increase in the last 10 years. This is about jobs, and we want to continue our leadership not only in this country but internationally in agriculture through this important bill.

We also know our country is facing serious deficits. Last August the Senate passed the Budget Control Act by a vote of 74 to 26. That law created a deficit reduction committee, which we called the supercommittee. They set out a process to find significant savings, and I am very proud of the fact that the Agriculture Committee came together in the House and the Senate. The chairman and the ranking member in the House—along with me and the ranking member in the Senate—did some very tough negotiating and made tough decisions, worked long hours, and came up with a detailed deficit reduction plan. I wish we had that same kind of opportunity with every committee.

Unfortunately, in the end, the Agriculture Committee was the only committee that did that. We did our part, and we believe the work we did in the fall helped to not only build relationships that are important to allow us to work together, but also set up a foundation from which we have written what we call the farm bill, or the Agriculture Reform, Food and Jobs Act.

We have built into this bill a real deficit reduction of \$23 billion. Let me emphasize that the Agriculture Committee strengthened the economy and cuts the Federal deficit. This \$23 billion is roughly 2 percent of what the Budget Control Act put in place in terms of sequestration next January of \$1.2 trillion. We are roughly 2 percent of Federal outlays. In those efforts are agriculture production, conservation, and nutrition through the USDA.

The USDA is roughly 2 percent of Federal outlays. We are taking responsibility for 2 percent of the cuts, and

this is more than is actually required in the Budget Control Act, and it is double what was recommended in Simpson-Bowles and the Gang of 6.

So agriculture is doing its fair share, and we are doing it in a responsible way that focuses on reform and strengthening those efforts to make sure we have a strong agricultural economy, strong conservation practices, and support for jobs through energy and other important nutrition efforts.

We end direct payments. That means no more paying farmers for crops they don't grow and no more payments for farmers when they are already doing very well. In fact, the biggest savings in the bill comes from eliminating direct payments and consolidating three other commodity subsidy programs. America's farmers know in order to lower the deficit we all need to do our fair share. Agriculture has stepped up and is willing to do that.

We also make sure millionaires no longer get payments from commodity programs. We tightened payment limits to half of what farmers currently are able to receive. We closed what is known as the managers' loophole that lets people get farm payments when they are not farming. Instead, we support a strong safety net based on crop insurance and risk.

If someone has a risk, if they have a loss, then it is critically important we stand with American agriculture. We have the safest and most affordable food supply in the world, and it is critically important that we have the risk management tools available for our Nation's farmers.

We heard over and over when Senator ROBERTS was in Michigan—and I am grateful he joined me. I was pleased to have joined him in Kansas. We heard the same issues in our hearings in DC and around the country that crop insurance was the most important tool for our producers.

Nobody wants to see a family farm—some passed down from generation to generation—go out of business because of a few days of bad weather or because of other changes in the markets beyond their control. I cannot think of a more high-risk venture, frankly, than agriculture.

This year in my State when it got very warm in February and March, the cherry blossoms, apple blossoms, peaches, and grapevines all thought it was spring and the blossoms came out. Then when the freeze and the snow came, we were literally wiped out of tart and sweet cherries, apples, peaches, and grapes. Everything across the board was devastated. I can't think of any other business that has to go through that kind of risk other than farmers.

So we put in place a strengthened program so more specialty crops and more fruit and vegetable growers can get access to crop insurance. We have new capacity to support expanded risk tools. We substituted that with a market-oriented, risk-based approach that

supports farmers in the bad times; so they will not get a government check in the good times but in the bad times when we need to make sure our farmers can survive and thrive.

This bill does not set a government price. It focuses on what is happening in the marketplace. The farmers are choosing what to plant from the market. We make sure no farmer goes off the cliff when a price drops immediately, and that crop insurance is there for them as well. Independent economists have said this is a fair system that is equitable to all regions and all commodities.

We have a very diverse country. We know we have colleagues that still have concerns, and we are certainly working with them to fine-tune this bill, but we also know moving to a risk-based system treats all regions fairly. It is the kind of reform people across the country, including taxpayers, are asking us to do.

This bill is much more than just a bill related to production agriculture—as important as production agriculture is. I am very proud of what we have been able to do on conservation. We have gone through every program, streamlined them, and increased flexibility. We have done what families and farmers across the country are doing, analyzing and stretching every dollar.

Frankly, we have a conservation title that does more with less. We have taken 23 programs, consolidated them into 13, and put them into four different areas with a lot of flexibility. We are maintaining our conservation tools and strengthening key priorities. There are certain areas that did not have any funding when this farm bill ends on September 30. We have been able to combine that into a larger effort, and we are now able to continue and strengthen conservation. That is why we have heard from 643 conservation groups in all 50 States that support the approach we have taken in this bill. We continue the important work done in the farm bill around nutrition and helping families who are most in need.

I have heard from so many people in Michigan in the last few years, with the huge recession we have gone through, who never imagined in their lives they would need help putting food on the table. They paid taxes all their lives and never thought they would have to ask somebody to help them and their children get through the month but are now in that situation. I am committed to making sure every single dollar goes to people who need it.

We are cracking down on trafficking. We have had at least two situations in Michigan where lottery winners somehow maintained food assistance. Obviously, that is crazy, and so that will not happen anymore under this bill.

Students who live at home with their parents and have been able to go through the loopholes to get food help, it is not right. That is not where it is intended. We address that as well. We

have tightened a number of areas on accountability. We know there are areas where we can make sure there is accountability, there is transparency and, in fact, families in need know they can help feed their children during these tough economic times.

We are also recognizing the diversity of agriculture in America by strengthening support for fruits and vegetables and other specialty crops. We are making sure we are getting those healthy foods into schools, supporting organic farmers, farmers' markets, and food hubs locally. By the way, that also creates jobs.

We are continuing our work on energy and helping farmers save money on their bills while getting America off of foreign oil. We are opening opportunities for new innovative companies involved in biomanufacturing. This is an exciting area for me as we look at how we make and grow things in this country and bring those two together. I think that is why we have a middle class in America—because we make and grow things.

Biomanufacturing is the process of taking raw materials from agricultural products, whether it is soybean oil, corn byproducts, wheat husk, biomass materials, and using them to create products and replace chemicals and petroleum in plastics, for example, with biodegradable bio-based products, which is very important for our future in so many ways. That is what the Agriculture Reform, Food and Jobs Act is all about.

As we go further in this debate, I will have much more to say about all of the specifics in the titles. But let me just end with this before turning to my friend to speak.

The current farm bill, the Agriculture Reform, Food and Jobs Act—the current farm bill expires this September 30, when farmers are getting ready for the harvest. If Congress cannot come together in a bipartisan way, as we did in the Agriculture Committee and as we did in the fall with the agricultural leaders, and pass this bill before then, it will create tremendous uncertainty and job losses in communities all across America, and it will have a serious impact on our economic recovery. I hope our colleagues will work with us, will join with us to make sure that does not happen.

We have received broad support for this legislation from 125 farm groups, healthy food groups, and other stakeholders. I am very grateful to 45 of our colleagues who, on a bipartisan basis in a letter to leadership, urged that this bill be taken up. It is clear there is broad support in Congress and across the country for the farm bill. So I urge my colleagues to let us begin the debate on this important jobs bill that affects 16 million people across this country.

Thank you.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I intend to give my full opening comments

in regard to the farm bill tomorrow, but I wish to quickly say thank you to the chairwoman for helping to bring us to this point. I thank her for her leadership. It has truly been a bipartisan effort. It has been a team effort.

I wish to reiterate what the chairwoman has said. I wish to tell our colleagues this is a true reform bill. I could say that 10 times over for emphasis, but it is a true reform bill. It also reduces and streamlines the Department of Agriculture programs—long overdue. We cut \$23 billion in mandatory spending, and it was voluntarily, without any direction from the Budget Committee or anybody else, and it is real money. It is mandatory money.

The Super Committee tried to work out a deal, and they weren't so super. They tried hard. I am not trying to criticize a tough deal. We are the only authorizing committee that I know of in the Senate that has voluntarily come forth and said: Here is real deficit reduction in mandatory spending—over \$23 billion. It is rather remarkable that people who tend to be critical of agriculture would all of a sudden discover it is the Agriculture Committee, in a bipartisan effort, that has cut real money, real mandatory money.

How many times have we heard folks back home say: Why don't you work together? Why can't we all get along? Why can't you reach across the aisle and accomplish something? We did that in our committee, with strong bipartisan support, and we achieved this true spending reduction. We eliminated four of the commodity programs.

I just had a colleague come in to visit with me this morning. He said: I looked at this farm bill and I couldn't figure it out. It is so complex I don't know how anybody can figure it out. That is pretty true in farm country too—trying to figure out all of the complexities, and when they go down to the farm service agency, trying to figure out what is in each program and which one they should pick. We eliminated four commodity programs and made it much simpler. We strengthened and improved crop insurance, which is the No. 1 issue we heard about in every hearing we had. We eliminated \$6 billion in conservation spending while streamlining 23 programs into 13 to eliminate duplication. When have we heard: When are you going to start to streamline and reduce duplication? We have done that. We cut \$4 billion in nutrition programs—a painful cut for some, I understand that. But it is not going to affect anybody's payments so much as it is the \$4 billion—that is 82 percent, by the way, of the agriculture budget is in nutrition.

We have eliminated a grand total of more than 100 programs. Get this: We have eliminated a grand total of more than 100 programs—I don't know of any other committee that has done that—and authorizations totaling nearly \$2 billion in reduced authorizations alone. So we dealt with not only mandatory spending but also \$2 billion in authorizations.



This is, as I have said, a reform bill. We need to get this thing passed. We need to get the farm bill passed. The current law expires on September 30 of this year. Failure to pass the bill means we revert to permanent 1949 law that would provide absolute chaos in the countryside. If we don't pass this bill by September 30, then we are back here voting on an extension. Who wants to extend the current farm bill? It is yesterday's farm bill. This is tomorrow's farm bill. We can't go back to 1949, and I do not think we need to be in any business of trying to extend the current act when we have a true reform bill and one that is fiscally sound.

The big thing is we need to provide set guidance to our producers and their lenders—our farmers, ranchers, bankers, all up and down Main Street who depend on agriculture, including every rural community and, for that matter, anybody who eats, every consumer. We are talking about the hometown banker and the farm credit agencies so they can know exactly what this farm bill looks like when, as early as this August, they will begin to discuss their operating loans for the coming year.

I know we are debating the motion to proceed at this time, but the chairwoman and I and our staffs are available. We are available. If someone has heartburn, we are available. We have the Roloids; don't worry about it. Our staffs are available. Come to us if a colleague wants to discuss a possible amendment. Come to us and talk to us. We are working together in a bipartisan effort. I urge Members who intend to offer amendments to please come to us and allow us to begin working with them now. We stand ready and willing and, with the help of Members, able.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. I ask unanimous consent to speak as in morning business.

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

#### ALWAYS FREE HONOR FLIGHT

Mr. MANCHIN. Mr. President, I rise to recognize a very special event taking place tomorrow in our Nation's Capital: West Virginia's first ever Always Free Honor Flight, a free trip for our veterans to see the monuments built for their service and sacrifice.

I have always said West Virginia is one of the most patriotic States in this great Nation, and we are so proud of the number of veterans and Active-Duty members who have served our country with honor and distinction. The 31 veterans who are traveling to the Capitol tomorrow embody our State's history and contributions to the freedom of this Nation: 12 of them served in World War II, 3 in the Korean war, and 16 in Vietnam.

I wish to tell my colleagues a little bit about this very special group. These heroes engaged in combat across the globe, fighting in the Aleutian Islands, England, Normandy, France, Germany,

Luxembourg, the South Pacific, the Philippines, Japan, Korea, and Vietnam. Some served here at home, servicing aircraft with ammunition. Some served in historic events such as the Battle of the Bulge, the liberation of the Philippines, and the front in Japan. They took on different roles, serving as infantrymen, door gunners, ammunition soldiers, combat fighters, tactical fighters, and medics. One brave World War II veteran received the Legion of Honor Chevalier Award from the French Embassy.

These veterans come from all parts of our great State—from Welch to Beckley, to Huntington, to Princeton, to Bluefield, to Lester, and all the places in between.

I especially wish to point out one special person. His name is Gene Cecil Pennington of Princeton, WV, and he will be joining us tomorrow also. He is the youngest West Virginia veteran of World War II, and that is because he lied about his age to join the Navy in the 1940s and first saw combat—think of this—first saw combat at the age of 16. He is 83 now, and we are so proud he will be visiting with us.

In addition to the veterans visiting us, a number of volunteer escorts will also be accompanying them. Seven of these escorts will be representing their deceased fathers who served in various wars throughout the years. Three of our World War II veterans are accompanied by their sons who themselves are veterans of the Vietnam war. Service is truly a family tradition in our State and in this Nation.

Our veterans have a full day's journey ahead of them tomorrow. They will leave Princeton, WV, at 2:15 in the morning, traveling here by bus. They will return to West Virginia after touring our beautiful Capitol Building, the World War II Memorial, the Korean War Memorial, the Vietnam War Memorial, and the Iwo Jima Memorial. These monuments to service and sacrifice have important meaning to everyone in this country, but I know our veterans will find special meaning tomorrow when they tour these sites.

This is the first time for many of these veterans to see these monuments, which is why I am very grateful for the hard work of the West Virginians who made this trip possible by bringing the Honor Flight Network to our State—the Denver Foundation and Little Buddy Radio located in Princeton, WV. These nonprofits were founded by Bob Denver—also known as Gilligan from “Gilligan's Island”—and his wife Dreama, a West Virginia native. Their love of West Virginia, their vision, and their dedication to service have truly been a gift to our great State.

The Honor Flight Network is an idea that started with Earl Morse, a physician assistant and retired Air Force captain who wanted to honor the veterans he had cared for over 27 years. Earl found that many of his patients couldn't afford to see the monuments

built to honor their service, so he took it upon himself to make that happen.

Earl was also a private pilot, and he offered a free flight to a World War II veteran who was also his patient. One free trip led to another, and with the help of more volunteers, Earl's efforts grew into the Honor Flight Network. The first flight took place in May of 2005, and by the end of that year, Honor Flight had taken 137 World War II veterans to visit their memorial. The Honor Flight Network has expanded to cities and States around the country, and in 2011, the network transported 18,055 veterans to see their memorials—at no cost to those veterans.

In West Virginia, we are lucky to have had the operations manager at Little Buddy Radio in Princeton, WV, Charlie Thomas, introduce the Honor Flight to our State. Tomorrow, Charlie will be representing his deceased father, Clifford Richardson, who served in the Navy during World War II.

I would also like to take a moment to thank the Vice President of the Always Free Honor Flight, Dreama Denver, who is the widow of “Gilligan”—Bob Denver. She is representing her deceased father, Glen E. Peery, who served in the Army during the Korean War.

I would like to thank Pam Coulbourne, who has been instrumental in planning West Virginia's first Honor Flight. She is representing her father Francis Fluharty, an Air Force aerial photographer on a B-24 Liberator during World War II.

Thanks to Charlie, Dreama, Bob Denver, Pam, and the hard work of so many others, 31 veterans will be traveling to Washington tomorrow on this very special journey. I commend them for their dedication and for giving West Virginia just one more way to say thank you to our veterans for their service and sacrifice.

I have always said we owe our men and women who have served more than a debt of gratitude. Showing our appreciation is something we should do each and every day. But tomorrow is a special day where we can pay tribute to those who have made the ultimate sacrifice for our great Nation. I am so pleased I am able to greet some of our most courageous West Virginia veterans who are all heroes. I ask the Senate to join me in honoring these 31 veterans and welcome them and their close friends and family to Washington, DC, tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCAIN. 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.

The Senator from Arizona.

#### SECURITY LEAKS

Mr. MCCAIN. Madam President, over the past few months there has been a

disturbing stream of articles in the media and common among them, they cite elite, classified, or highly sensitive information in what appears to be a broader effort by the administration to paint a portrait of the President of the United States as a strong leader on national security issues—information for which there is no legitimate reason whatsoever to believe should be in the public domain. Indeed, the release of this information in these articles harms our national security and puts in danger the lives of the men and women who are sworn to protect it.

What price did the administration apparently pay to proliferate such a Presidential persona—highly valued in an election year? Access. Access to senior administration officials who appear to have served as anonymous sources divulging extremely sensitive military and intelligence information and operations.

With the leaks that these articles were based on, our enemies now know much more than they did the day before they came out about important aspects of our Nation's unconventional offensive capabilities and how we use them. Such disclosures can only undermine similar ongoing or future operations and, in this sense, compromise our national security. For this reason, regardless of how politically useful these leaks may have been to the President, they have to stop. These leaks have to stop.

The fact that this administration would aggressively pursue leaks perpetrated by a 22-year-old Army private in the Wikileaks matter and former CIA employees in other leaks cases but apparently sanction leaks made by senior administration officials for political purposes is simply unacceptable. It also calls for the need for a special counsel to investigate what happened.

I am also pleased to report that Chairman CARL LEVIN has agreed, at my request, to hold a hearing on these leaks in the Senate Armed Services Committee. The Senate Armed Services Committee has a responsibility here, and I am grateful that Chairman LEVIN has agreed to hold a hearing.

In the latest of the recently published articles—published on June 1, 2012, just a few days ago—the New York Times documented in rich detail the President's secret decision to accelerate cyber attacks on Iran's nuclear enrichment facilities with a computer virus that came to be known as Stuxnet. The author of the article, Mr. David Sanger, clearly states that former and current American officials spoke to him but refused to do so on the record because the program is both highly classified and parts of it are ongoing. I repeat, the administration officials discussed a most highly classified operation that is both highly classified and still ongoing, an operation that was clearly one of the most tightly held national security secrets in our country until now. And I might point out to my colleagues that this is all about the Iranian effort to acquire nuclear weapons, which is one of the most

difficult national security challenges this Nation faces.

Other recent articles divulged critical and classified information regarding U.S. plans to expand the secret drone campaign against terrorists in Yemen and the Horn of Africa. One of these pieces was a sorry excuse for journalism that the New York Times published on May 29, 2012, which Charles Krauthammer rightly observed should have been entitled “Barack Obama—Drone Warrior.”

Finally, there was a recent so-called article about the so-called “kill list”—the highly classified list of counterterrorism targets against whom the President has authorized lethal action—in other words, to kill. It was reported in that article on May 29, 2012, in the New York Times that David Axelrod, the President's chief political adviser—who is running the reelection campaign as we speak—began attending the meetings in which this list was discussed. I repeat, the President's campaign manager was present and attending the meetings where lists of possible people to be eliminated through drone strikes was discussed and decisions were made. The only conceivable motive for such damaging and compromising leaks of classified information is that it makes the President look good.

These are not the only times I have been frustrated about national security-related leaks coming from this administration. The administration similarly helped journalists publish some of the highly sensitive tactics, techniques, and procedures that enabled our special operations forces—including the classified name of the unit involved—to carry out the operation to kill Osama bin Laden last year. It is entirely possible that this flurry of anonymous boasting was responsible for divulging the identity of Dr. Shakil Afridi, the Pakistani doctor who assisted us in our search for Osama bin Laden and whose public exposure led to his detention and a 33-year prison sentence in Pakistan. His name was divulged by members of the administration, and he has been basically given a death sentence, a 33-year sentence in prison in Pakistan. Our friends are not the only ones who read the New York Times; our enemies do, too.

Let me be clear. I am fully in favor of transparency in government. I have spent my entire career in Congress furthering that principle. But what separates these sorts of leaks from, say, the whistleblowing that fosters open government or a free press is that these leaks expose no violations of law, abuses of authority, or threats to public health or safety. They are gratuitous and utterly self-serving.

These leaks may inhibit the Nation's ability to employ the same or similar measures in its own defense in the future. How effectively the United States can conduct unmanned drone strikes against belligerents, cyber attacks against Iran's nuclear program, or military operations against terrorists in the future depends on the secrecy with which these programs are con-

ducted. Such activities are classified or enormously sensitive for good reason—in many cases, for reasons related to operational security or diplomacy. Their public disclosure should have no place in how this or any other administration conducts itself. These are the kinds of operations and intelligence matters no one should discuss publicly, not even the President.

With this in mind, I call on the President to take immediate and decisive action, including the appointment of a special counsel, to aggressively investigate the leak of any classified information on which the recent stories were based and, where appropriate, to prosecute those responsible. A special counsel will be needed because the articles on the U.S. cyber attacks on Iran and expanded plans by the United States to use drones in Yemen were sourced to—and I quote from the articles—“participants in the [cyber-attack] program” and “members of the [P]resident's national security team.” In the cyber attacks article, in particular, the author stated that “current and former American officials” spoke to him anonymously about the program because “the effort remains highly classified and parts of it continue to this day.”

What could be worse?

The suggestion that misconduct occurred within the executive branch is right there in black and white and is why a special counsel is needed.

As part of this investigation, this special counsel should also scrutinize the book from which the New York Times cyber attacks article was adapted, which was just released yesterday, for other improper or illegal disclosures.

Where classified information regarding cyber operations was leaked, the President should assess any damage that those leaks may have caused to national security and how that damage can be mitigated.

In my view, the administration should be taking these leaks, apparently perpetrated by senior administration officials, as seriously as it pursued those made by relatively low government personnel such as the Army private in the WikiLeaks matter or the former CIA employee who provided the New York Times with classified information about U.S. attempts to sabotage the Iranian nuclear program. The failure of the administration to do so would confirm what today is only an inference—that these leaks were, in fact, sanctioned by the administration to serve a pure political purpose.

As I continue to closely monitor developments in this matter, I hope to be proved wrong.

There is a Wall Street Journal article, “FBI Probes Leaks about Cyberattacks by U.S.” I am glad the FBI is going to probe that. It says Mr. Sanger, in an appearance on CBS News “Face the Nation,” suggested that deliberate White House leaking “wasn't my experience.”

He added:

I spent a year working on the story from the bottom up and then went to the administration and told them what I had. Then they had to make some decisions about how much they wanted to talk about . . . I'm sure the political side of the White House probably likes reading about the President acting with drones and cyber and so forth. National security side has got very mixed emotions about it because these are classified programs.

Mr. Sanger again is authenticating that senior members of the White House and our intelligence community decided to talk to him about classified programs. Their motivation for doing so—perhaps we don't know particularly at this time, but I don't think one could argue that these articles have all conveyed the impression that the President is a very strong warrior in carrying out his responsibilities as Commander in Chief, something I have disputed as far as Iraq, Afghanistan, and other national security issues, which I will discuss on another day.

I don't know how one could draw any conclusion but that senior members of this administration in the national security arena have either leaked or confirmed information of the most highly classified and sensitive nature. Some of these leaks have concerned ongoing operations. Since they were highly classified and sensitive information, that classification was there for a reason—the reason being that if that information was classified, it could harm our national security.

These are very serious actions on their part. They are very serious actions when ongoing operations in the war against terror and the issue of Iranian acquisition of nuclear weapons could trigger attacks either by Israel or the United States to prevent such an eventuality. We now find leaks which have exposed, not only to the American people but to the Iranians as well, exactly what American activity is of the most sensitive nature. This is not a proud day for the United States of America.

I ask unanimous consent that following the remarks of Senator CHAMBLISS, he and I be permitted to engage in a colloquy.

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

(Disturbance in the Visitors' Galleries)

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I wish to thank my friend from Arizona for his very direct comments on this very sensitive issue. As vice chairman of the Senate Select Committee on Intelligence, I can say without a doubt that these ongoing leaks of classified information are extraordinarily harmful to our intelligence operations.

Every day we ask our intelligence officers and agents to be out there on the frontlines, putting their life in harm's way, gathering information, meeting sources, and using a variety of highly

sensitive collection techniques. Depending on where these officers are around the world, the operating environment can be both dangerous and downright hostile. This means they have to be as much or more on guard to ensure that operations don't get blown and their own lives and the lives of our sources are not jeopardized.

But each time classified information shows up in the media, the intelligence community's ability to do these dangerous assignments becomes that much more difficult. Not only do these leaks tell our enemies how we do our jobs and therefore how they can block or impede our efforts, but with each leak our friends and allies are left to wonder how much they can trust us with their own secrets.

These are not hypothetical concerns. Senator McCAIN alluded to a couple of anecdotes. Also, a few weeks ago, in the middle of an ongoing operation, we all—friends and enemies alike—learned the details of efforts to disrupt an al-Qaida plot to bomb a civilian aircraft. Up to that point, most Members of Congress knew nothing about this operation. That is how sensitive we were told it was. Unfortunately, rather than quietly recognize our—and, frankly, our partners'—successes and move on with the business of protecting the American people, some in the administration apparently decided that scoring political points in an election year outweighed protecting our intelligence operations as well as our liaison relationship with our intelligence partners around the world.

Whether we could have learned more from an operation that was cut short by this leak will now never be known, but we have been warned by some of our allies they will think twice before they share highly classified information with us.

Unfortunately, the leak of the airline plot was no isolated incident. From kill lists and bin Laden movies to cyber warfare, it appears nothing is off-limits, nothing is too secret, no operation is too sensitive, and no source is too valuable to be used as a prop in this election year posturing. The doctor associated with the bin Laden operation appears to be paying the price for this posturing. Following public disclosures of his involvement, he has been sentenced to 33 years in prison—a true life sentence of 33 years in prison in Pakistan. This hardly provides incentive for anyone else to help us.

These disclosures—whether quietly sanctioned or not—are simply unacceptable, and they are against the law. This administration reminds us repeatedly that they are prosecuting more people for leaking classified information than ever before, and I support that effort. But just as we hold ordinary government employees accountable for violating their oaths to protect our Nation's secrets, we must also hold the most senior administration officials accountable. Recently, the FBI began an investigation into the sce-

nario surrounding this latest bomb plot, and I applaud the FBI's efforts. Following the public disclosure in the press reports on comments made by senior administration officials, I sent a letter to Director Mueller and asked him to please include this aspect of these leaks in his investigation. I received a letter back today that he is indeed going to do that, and I applaud that. I don't know whether the reports are true. I have no idea. But if they are, they are serious violations of the law having been conducted by senior administration officials.

Beyond that, we still have to do more. So today I join with my good friend Senator McCAIN from Arizona in calling for the appointment of a special counsel to investigate this pattern of recent leaks. Leaks should never be tolerated, but leaking for political advantage is especially troubling. There must be swift and clear accountability for those responsible for playing this dangerous game with our national security.

The Senator from Arizona has been around here a lot longer than me. He has been involved in the world of national security for many years, both on the frontline himself as well as a Member of this body.

Has the Senator from Arizona ever seen anything as egregious as the purported leaks that are coming from this administration on these highly classified and sensitive number of programs that we have seen in the last few days and weeks?

Mr. McCAIN. As my colleague well knows, the leaks are part of the way the environment exists in our Nation's capital, and leaks will always be part of the relationship between media and both elected and appointed officials. I understand that. I think my colleague would agree there have been times where abuses have been uncovered and exposed because of leaks so this information was made public, and we have always applauded that.

There has also continuously been a problem of overclassification of information so government officials don't have to—be it Republican or Democratic administrations—discuss what is going on publicly.

But I have to tell my friend, I do not know a greater challenge that the United States faces in the short term than this entire issue of Iran acquiring nuclear weapons. The President of the United States said it would be "unacceptable." We all know the Israelis are going through an agonizing decision-making process as to whether they need to attack Iran before they reach "breakout," which means they have enough parts and equipment to assemble a nuclear weapon in a short period of time.

Here we are exposing something that, frankly, I was never told about. I was never informed of Stuxnet, and it is ongoing, at least according to the media reports. So aren't the Iranians going to

learn from this? I would ask my colleague, aren't the Iranians going to become more and more aware?

Drone strikes are now one of the leading methods of going after al-Qaida and those radical terrorists who are intent on destroying America. So now al-Qaida and our enemies, both real and others who plan to be, are very aware of the entire decisionmaking process in the White House.

I guess the most disturbing part—and I would ask my friend—it is one thing to have a private, in the WikiLeaks matter, who had access to it, low-level members of certain agencies, one in the CIA who I know was prosecuted, but this is, according to the articles that are written, the highest levels in the White House are confirming this classified information and maybe even volunteering it, for all we know.

But there, obviously, has been a very serious breach of perhaps the two most important challenges we face: the Iranian nuclear process and, of course, the continued presence and efforts of al-Qaida to attack America.

I wonder if my friend from Georgia would agree that these are two of the most challenging national security issues America faces.

Mr. CHAMBLISS. Mr. President, I think my friend from Arizona is exactly right. There have been rumors of the drone program for actually a couple years now, maybe back almost into some period back into the Bush administration. As a member of the Intelligence Committee, we were always told—and rightfully so—this is a covert program and we simply cannot discuss it. So we never have. Now we pick up the newspaper, and over the last several weeks we have seen the President of the United States discussing the drone program. We have seen the Attorney General of the United States discussing the drone program. We have seen the National Security Adviser discussing the drone program. Yet, technically, we as Members of Congress—particularly members of the Intelligence Committee—cannot talk about this because they are covert programs.

So there is simply no question but that our enemy is better prepared today because of these various leaks and public disclosures.

Let me move to the other issue the Senator has talked about, though, the issue of the nuclear weaponization of Iran. There is no more important national security issue in the world today. It is a daily discussion at the United Nations, it is a daily discussion at the Pentagon, it is a daily discussion in Israel and in virtually every part of the Middle East that we cannot allow for the country of Iran to become nuclear weaponized. Here, all of a sudden, we see public disclosure, whether all of it is true or not, in a newspaper article on the front page of an American newspaper, detailing a purported program of attack against that Iranian program.

What are our friends in the intelligence community to think? What are

our friends in Israel to think? How much cooperation are they going to now give us from the standpoint of disclosing information to the U.S. Intelligence community on any program if they can expect that—if this is, in fact, true—what they tell us is going to be on the front page of the New York Times? Not only that, but it is not coming from some private who went on the Internet and found a bunch of classified documents. It is coming from statements made, supposedly, by high-level administration officials.

It puts us in a real—not a quandary. This is not a quandary. It puts us in a position of having to defend ourselves with our allies over certain statements that purportedly are made by high senior administration officials. I simply can never remember a scenario of information being leaked where we have the level of administration officials that now supposedly have made these comments, and they are quoted by name in some instances.

Mr. McCAIN. Could I finally add, the disturbing aspect of this is that one could draw the conclusion, from reading these articles, that it is an attempt to further the President's political ambitions for the sake of his election at the expense of our national security. That is what is disturbing about this entire situation.

I see our friend from Oregon is waiting to illuminate us, so I yield the floor. I thank my friend from Oregon for his patience.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### FOREST SERVICE AIRTANKER FLEET

Mr. WYDEN. Mr. President, yesterday I joined with Chairman BINGAMAN to introduce legislation to address an urgent threat to America's national forests: the lack of resources to fight serious wildfires that at this very moment are burning on more than 300,000 acres in our country. To date—and it is certainly early in the fire season—more than 830,000 acres already have burned.

The heart of the problem is, as the fires have gotten bigger, the Forest Service airtanker fleet to fight these fires has gotten smaller. In 2006, the Forest Service had 44 large airtankers under contract in their fleet. Last week, they had just 11 large airtankers under contract, and 10 of those averaged 50 years of age.

After the very tragic events of this past weekend—in which one of those airtankers crashed and its courageous pilots were killed and another had a failure of its landing gear and sustained serious damage—the Forest Service is down to nine large airtankers. This is an extraordinarily serious problem and a solution is long overdue.

The reason I have come to the floor this afternoon is that Congress has an

opportunity to expedite what could be the beginning of a solution. The Forest Service now is ready to begin awarding contracts for the next generation of airtankers, consistent with their large airtanker modernization strategy.

On May 25, as is required by law, under 41 U.S.C. 3903(d), the Forest Service gave Congress a 30-day notification of its intent to award four multiyear contracts, which contain cancellation ceilings in excess of \$10 million and require congressional notification.

These four contracts would, in effect, begin to fill the Federal Government's need for large airtankers to fight wildfires. The 30-day waiting period is simply delaying urgently needed action. Without congressional action, these contracts will not be awarded until June 25. My view is, with hundreds of thousands of acres burning and a severely depleted capacity for sending airtankers to battle these fires, I see nothing that can be served by the Congress sitting on its hands and waiting for those 30 days to expire.

The Forest Service requested that Congress waive the requirement to wait the full 30 days to award these important contracts. The sooner the Forest Service can award these contracts, the sooner the companies that receive the awards can begin to deliver those next-generation airtankers and get them out fighting the fires.

I wish to be clear that I do not know the details of these contracts and have no idea as to which companies that submitted bids are going to be the successful recipients, but I do know the Forest Service has complied with its obligation to notify the Congress. Congress has been notified with the required information, and I just fail to understand how the country is going to benefit by simply letting time pass. I urge my colleagues to see how important and how serious this fire situation is and approve the critical legislation I have introduced with Chairman BINGAMAN.

At this very moment, there are 11 uncontained large fires nationally, 152 new fires that have been reported in just the last 24 hours, and dire predictions about hot and dry conditions combining with strong winds, looming thunderstorms, and arid lands across much of our landscape. All these factors contribute to a dangerous fire situation on the ground. Yet, as we speak, the Forest Service now has only nine airtankers to assist those hard-working fire crews. Eight of those tankers are getting to the point where they ought to be considered museums in the sky.

While the Forest Service can and should use all possible assets—such as helicopters and innovative options such as the 20,000 gallon Very Large Airtankers—and the agency is likely to need to call in the National Guard, the large airtankers remain a critically important tool for fire suppression. In fact, the firefighting agencies mobilized airtankers 153 percent above the

10-year average in 2011. Yet these planes needed to assist on-the-ground firefighters have dwindled to the dire shortage—they have atrophied to the point I have described this afternoon.

This lack of resources is coming at a time when the Nation's forests are very vulnerable to fire. The fire season is early, but we are already seeing the production of record-breaking fires. Fire seasons are getting longer and they are more severe and we are seeing more and more of what the professional foresters called a megafire.

From 2000 to 2008, at least 10 States had fires of record-breaking size. The Forest Service indicated in its airtanker mobilization strategy that the agency will need up to 28 of these airtankers in order to adequately battle fire threats. So the Forest Service says we need 28. As of this moment, this afternoon, there are only nine.

I am asking today for the Senate to recognize the seriousness of the threat and let the Forest Service proceed in awarding these new contracts as rapidly as possible. The legislation Chairman BINGAMAN and I have introduced would enable the agency to do just that and begin to tackle this extraordinarily serious health problem.

In closing, I wish to express my thanks to all of America's courageous and dedicated firefighters. They put themselves in harm's way to protect our communities, and we should be grateful to them and to the pilots and companies and agency personnel who tirelessly battles these fires. I believe, on behalf of every Member of the Senate, it is appropriate to express our deepest condolences to the families and colleagues and friends of the recently deceased pilots. I hope by advancing the legislation I have described this afternoon, Congress will be sending a message to those courageous firefighters and those with whom they work that the Congress is beginning to put in place a system that would provide them real relief.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk 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. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### DREAM ACT

Mr. DURBIN. Mr. President, people wonder as they watch the Senate how bills get started. One of the bills that I have worked on probably the hardest in my career got started 11 years ago when there was a phone call to my Senate office in Chicago. It was a phone call from a friend of ours, Duffie Adleson, who was managing a program called the Merit Music Program.

It is a wonderful program in Chicago that offers opportunities for free musical instruments and free music lessons for kids from some of the poorest schools in town. The net result of it is a life-changing experience. One hundred of the Merit Music Program graduates go on to college. It is transformative.

Well, she had a story to tell me. It was about a young lady named Tereza Lee, Korean, who was a child prodigy when it came to the piano. She played it so well she had been offered many scholarships, including to the Manhattan Conservatory of Music. When she went to fill out her application, one of the questions was, What is your citizenship or nationality?

She turned to her mother and said: What is it, Mom? Her mom said: I do not know. You see, they brought Tereza to America when she was 2 years old on a visitor's visa. Her mom said: We never filed anything after that.

Mom and dad became citizens. Brother and sister born here automatically became citizens, but Tereza was a question mark. What am I? So she called Duffie. Duffie called the office, and we checked the law.

The law said Tereza Lee, who had lived in the United States for 16 years, had to leave for 10 years and after 10 years could apply to come back into the United States. She did not know where she would go. Her family had come to Chicago from Brazil, originally from Korea. There was no place to go, no other language that she spoke. This was the only country she ever knew.

So I wrote a bill and called it the DREAM Act. The DREAM Act said young people like her should be given a chance to become legal in America, to earn their way into legal status. The bill basically laid out some conditions: First, that they came to the United States as a child; second, they completed high school; third, they have no significant problems of moral character or a criminal record to speak of, and beyond that they had to do one of two things: finish at least 2 years of college or enlist in the American military.

Well, when I introduced this bill it was bipartisan. In fact, as many as 13 Republican Senators would vote with me. But we never quite got to that magic number of 60 votes in the Senate. We would get a majority but never quite get 60 votes. Then over the years this political issue started changing. Unfortunately, we started losing support on the Republican side of the aisle. Even those who were the original cosponsors of the bill started voting against it. They heard the talk about amnesty and all the criticism. They were swept into the belief that this should not pass.

But the bill is still very much alive, and it is the most important thing I have pending in the Senate, and has been for a long time. What it does, of course, is offer this opportunity.

I want to salute Senator MARCO RUBIO of Florida. He is a new Republican Senator, conservative, who took a look at this issue and said this is not an immigration issue; this is a humanitarian issue. We should offer these young people a chance, a chance to earn their way into legal status.

He is right. He remembered when 600,000 Cubans left to come to America to escape Castro's regime it was not the immigration system that welcomed them; it was the humanitarian effort by the United States to allow them to find a home. What a difference they have made, a positive difference in this country, not just in Florida but all over the country.

Look at MARCO RUBIO, a man who now represents Florida in the Senate. It was his father and grandfather who made it here because of that humanitarian gesture. He and I and many others are working now to try to find a bipartisan way to put this together again.

I have come to the floor countless times—dozens of times—to ask my colleagues to think about this issue in real human terms. Almost every week I come and tell the story of one of the students who would be affected by the DREAM Act. When I started on this issue, the DREAM Act students would hide in the shadows. They would wait in the darkness by my car to tell me: I am one of those undocumented immigrants. I am one of those students who has no place to go.

Well, times have changed. They are now stepping up and saying: Look at me. Know who I am. Realize, as Senator MENENDEZ has said on the floor many times, these are young people who spent their entire lives with their hands over their hearts pledging allegiance to the only country they ever knew. They only know one national anthem, and it is ours. They think it is theirs. But technically, legally, they have no legal standing.

Let me introduce you to a young man who has a great story. His name is Novi Roy. He grew up in Illinois. He was brought to the United States from India as a child. He was an especially good student. Novi attended Evanston Township High School just north of Chicago, graduated with a 3.9 grade point average.

During high school he volunteered working in the soup kitchen in Rogers Park and continues to do that even today. He went to the University of Illinois at Urbana-Champaign, which we are pretty proud of, and he graduated with a bachelor's degree in economics. Just last month he had two master's degrees awarded to him, one in business administration and one in human resources. He is 24 years old now.

His dream is to work in the health care field to try to provide health care protection to people who don't have it today. He said this in a letter he wrote me:

I love America for all its opportunities and, like any other aspiring student, I want

a chance to realize the American dream. I owe the State of Illinois, its taxpayers, and America a huge debt of gratitude for the level of education I have attained thus far. I am confident that my education will serve me well enough to make a difference in people's lives [and] there is nothing I [would] like more than to give back to the community that has been so good to me.

For the record, Novi, because he is DREAM Act eligible, is not eligible for Federal assistance for education. These young people, DREAM Act students, have to work harder, borrow a lot more money, if they can, or save it, and it will take longer to get through. But they do it anyway because they are so determined to have a good life.

Novi has been offered jobs with Fortune 100 companies, but he cannot work legally in America because he is undocumented. Novi came to the United States legally, and his family applied for legal permanent resident status. When their application was denied, Novi was placed in deportation proceedings.

He never committed a crime. He grew up in this country. We have already invested in Novi, obviously, with an outstanding education from a great university. He has a potential to make America a better place. Despite these facts, even at this moment, Novi could be deported from the United States.

In his letter to me, he said this about that possibility:

I have never entered the U.S. illegally, nor broken any of its laws at any time. Unfortunately, my immigration case has simply fallen through the cracks. I have lived here in Illinois for the last 10 years, and my entire identity is exclusively based on my life in the U.S. I have nothing to go back to—no friends, no family, nothing. America is my home.

My office contacted Immigration and Customs Enforcement and asked them to consider Novi's request that his deportation be placed on hold. We just learned yesterday this request had been granted. But the decision to put Novi's deportation on hold is temporary. It doesn't give Novi permanent legal status, and he still is at risk of deportation in the future. The only way for Novi to become a citizen is for the DREAM Act to become law.

Would America be stronger and better if Novi Roy was deported? Of course not. He has all these years of education and his graduation from Evanston Township High School with a high GPA, two degrees from the University of Illinois, and we would let him leave and go to some other country and use his talents to make their country better? That makes no sense.

He has overcome great odds to achieve the great success he has so far. He doesn't have any criminal background problems or pose any threats to this country. He would make America a better place.

Novi is not an isolated example. There are literally thousands of others just like him around the country.

The DREAM Act would give Novi and other bright, accomplished, and ambi-

tious young people like him the chance to become America's future entrepreneurs, doctors, engineers, teachers, and soldiers.

Today, I again ask my colleagues to support the DREAM Act. Let's give Novi Roy and so many other young people like him a chance to contribute more completely to the country they call home. It is the right thing to do, and it will make America stronger.

#### OVERSEAS VISIT

Mr. DURBIN. Mr. President, last week during the Senate recess I traveled overseas to four countries: Ukraine, Turkey, Georgia, and Armenia. It was a lot of ground to cover in 5 days in a region with considerable history and great, challenging issues.

Before I go further on the matter, let me say for the record how impressed I am with the men and women who work representing the United States overseas. The ambassadors, all of their staff, the consular service, the military attaches, and those working through the Department of Agriculture do us proud every day. Many make a personal sacrifice to represent our country. They are on the front line.

I thank Ambassador John Tefft in Ukraine, Ambassador Ricciardone in Turkey, Ambassador Bass in Georgia, and Ambassador Heffern in Armenia for their public service. They are a reminder of why the relatively small amount of money we spend on our diplomatic and foreign assistance efforts makes a big difference in the world.

A visit through this region is a reminder of the legacy of the Soviet Union and the challenges facing countries such as Ukraine, Georgia, and Armenia as they try to rebuild independent and democratic nations. They inherited an environmental degradation that had been virtually destroyed by the Soviet Union, with broken economies built on a failed Soviet model and weak political and governing institutions. Sadly, these countries are not just trying to build modern nations, but must at times face continued and increased pressure from Russia on issues such as security and energy.

Ukraine is a good example when it comes to energy. They continue even though they face pressures from Russia to look west to the European Union, the United States, and NATO. They long to be in partnerships with the United States. We need to support that relationship, as well as the programs that help them transition away from the Soviet-era legacy.

There isn't enough time to cover all the issues facing these countries, but I will mention a few.

In Ukraine there has been a troubling development recently that threatens to overshadow so much of the economic and democratic progress they have made in recent decades. Specifically, this government currently in control has jailed former Prime Minister Yulia Tymoshenko over her alleged wrongdoing regarding a contract for natural

gas with Russia. Many people have read about her detention and hunger strike.

One need not agree with policy decisions of former politicians—and I am not here to judge whether that gas contract was sound, but I can say in a democracy one should not make a practice of jailing political opponents. It kind of discourages people from running.

Doing so has the bad taste of Lukashenko's dictatorship in neighboring Belarus—not exactly the model a modern democratic Ukraine should follow. I have seen that firsthand where, the day after his election, the last dictator in Europe jailed all of his political opponents. Talk about discouraging people from running for office.

As long as no criminal activity occurred, in a democracy voters should decide at the ballot box if they did or didn't like policy decisions of an elected official.

I had a heart-breaking discussion with Tymoshenko's daughter Eugenia. I was deeply troubled by some of the stories I heard about her mother's detention.

I also had a hopeful meeting with Prime Minister Azarov and President Yanukovich on many issues of shared U.S. and Ukrainian cooperation, as well as the Tymoshenko detention. They are going to move on a timely basis to deal with this detention, and I assured them that the West was watching closely. I hope she will be released from her detention as quickly as possible.

My second stop was in Turkey. I have been there several times before. It is a growing power in a region and the world, a thriving Muslim democracy and a strong NATO partner of the United States.

Turkey most recently agreed to build an important NATO radar base on its soil, an installation that is absolutely critical in keeping an eye on Iran and its nuclear ambitions. It was a hard decision by Turkey to agree to this installation for NATO, and they made it. I thank them for that. It makes the world a safer place.

Turkey is hosting on its border more than 20,000 refugees who have fled the violence in Syria. I visited one of these refugee camps in the town of Kilis. Almost 10,000 refugees—more than 60 percent of them women and children—were given a good, clean safe place to stay there, education for the kids, as well as health care.

The Turkish Government needs to be commended for the generous hospitality and kindness they provided to their Syrian neighbors fleeing Syrian President Assad's brutality. I wonder if the United States would be as welcoming under those circumstances. Well, Turkey has been and they should be commended for it.

I spoke with many of the Syrians in the camp, and they told me deeply troubling stories about the violence



they faced and why they had to leave everything behind and flee to a neighboring country. They were worried about family and friends who are still in Syria—particularly given the massacre reported last week in Houla.

The international community must do more to end the violence and foster a representative transition to democracy in Syria.

I have to note for the record that I saw my colleague, JOHN MCCAIN, on the Senate floor. He, Senator LIEBERMAN, and others have been to the same place and have met with refugees and have strong feelings about Syria. I have to say, and I said this to the Syrian opposition I met with, I don't believe there is an appetite in America for invading another Muslim country or sending in our Army. We are war weary after more than 10 years at it. What we are looking for is an international organization or others who will join in the effort to stop Bashir al-Assad.

We encouraged Russia to step up. It has always had a special relationship with Syria. If Russia can bring the various parties together and end the violence and start a transition away from the brutality of Bashir al-Assad, it will be in the best interest of Russia and of the world.

The Arab League needs to raise its voice about solving those problems in Syria. We cannot let Assad bring any further embarrassment to the nations around the world. He has proven himself unworthy of the support of Russia or any country.

I urge Russia to join the United States and Turkey and others to find a timely way forward in Syria.

Georgia and Armenia are two other friends of the United States. In Georgia, President Saakashvili has made great progress on democratic and economic reforms. He was a leader in the Rose Revolution. His term is ending soon, and I hope the ensuing election will serve as a model for the region.

We should also not forget one important thing about Georgia. It is still dealing with the aftereffects of the 2008 war with Russia that resulted in the breakaway republics of Abkhazia and South Ossetia. I investigated the South Ossetia borderline, and I saw the permanent Russian facility there. It is clear that Putin is trying to create a provocative environment within Georgia today.

We need to take steps to make sure the EU six-point plan is worked out—a plan that wasn't implemented after the war. I hope displaced persons and communities in South Ossetia and those in Abkhazia as well will have a chance to be reintegrated back into Georgia where they belong.

We need to take the steps to eliminate and reduce unnecessary human suffering. The EU has an important monitoring mission there, and I urge Russia and Georgia to work with them.

One last point about Georgia is that a lieutenant colonel in the U.S. Marine Corps, stationed at Tbilisi in our Em-

bassy, reported on what is a phenomenal thing going on. Georgia is not in NATO. President Obama has said they can be, and will be, and should be. At this moment, Georgia is contributing more forces and soldiers per capita than any nation on Earth to the NATO mission in Afghanistan. A lieutenant colonel in our Marine Corps, who is training Georgian soldiers, said they were great fighters. He went on to say: If you want to know how I can prove that, I am sending them to Afghanistan to stand next to our U.S. Marines and help us in the fight. That is as great an endorsement any marine could give to another fighting soldier.

Lastly, Armenia. There are so many Armenians across America who have made such a profound impact on our Nation—in fact, around the world. The diaspora of Armenian citizens is larger than the current population of that nation. They have lived through terrible brutality and loss of life. The genocide that occurred in the beginning of the last century may have claimed as many as 1.5 million lives as Armenians were displaced from eastern Turkey, and it is a legacy they will always remember.

I visited the Armenian Genocide Memorial and Museum to pay tribute and acknowledge the great loss of life that Armenia has suffered. There was a special tribute to Clara Barton, who may be remembered in American history for her work in establishing nursing and health care. She went late in her life—in her seventies—to Armenia to provide that same kind of assistance. She is given special recognition in the Government of Armenia today. The Armenian Genocide Memorial pays tribute to the many Armenians who died during this terrible period and the courageous leadership of those countries that went forward after their painful past.

I called on the President of Turkey, when I visited him, as I did several years ago, to work closely with the Armenians to try to resolve past differences and make an honest acknowledgement of the history between the two countries and try to work out a peaceful and cooperative relationship.

Mr. President, one encounter in Armenia in particular gave me hope that such a path forward is possible. I met with six Armenians who had participated in U.S.-supported cross-border reconciliation programs with Turkey. They were artists, journalists, business entrepreneurs, filmmakers, and high school students. Some of their stories were deeply moving.

One high school student named Victoria talked about the summer camp she visited in Vermont with Turkish high school counterparts and how they broke through stereotypes and started friendships. The filmmaker talked about joint films made with Turkish counterparts and then shown at the Istanbul Film Festival. An entrepreneur in Armenia talked about a service he set up to help businesspeople

from Turkey work in Armenia and invest there.

These stories gave me hope that some of the painful wounds between these countries can be healed.

Let me close by saying what a reminder these countries are of the importance still played by American leadership all over the world. At a time with so many economic and security challenges around the world, now is not the time for the United States to retreat from the global stage.

I support the President's ending of the war in Iraq. I believe we should remove our troops from Afghanistan as quickly as possible. I know we have to remain engaged. The world still looks to us for leadership and values that they can build their countries' future on as well.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk 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.

#### MORNING BUSINESS

Mr. DURBIN. 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.

#### TRIBUTE TO PHILLIP D. MORSE, SR.

Mr. REID. Mr. President, today I rise to recognize the extraordinary career of Phillip D. Morse, Sr., who served the United States Capitol Police with great distinction for 27 years, serving the final 5½ years as Chief of Police.

Chief Morse entered duty with the Capitol Police in May 1985. After training, his first duty assignment was providing security and law enforcement to the Senate. Since that time, he has worked in many different areas throughout the department, including the Containment and Emergency Response Team, Patrol Mobile Response Division, Capitol Division, and Office of Professional Standards and Compliance. Chief Morse eventually moved to the Dignitary Protection Division, where he implemented new financial management controls for the division and managed the overall security planning for the 2004 Democratic and Republican Conventions.

In 2004, he was promoted to the rank of Captain and returned to the Capitol Division. Upon his promotion to Inspector, Chief Morse assumed command of the Capitol Division and oversaw all police, security, and protective operations at the Capitol Building. During this time, Chief Morse established a Capitol Security Survey,

which addressed emergency procedures and protocols for prevention, response, and mitigation of critical incidents. In addition, he planned the security, evacuation, and emergency response for the 55th Presidential Inauguration. He later served as deputy chief of the Uniformed Services Bureau, the largest component of the Capitol Police.

On October 30, 2006, he was appointed as chief of the Capitol Police. As leader of the nearly 1,800-officer force, Chief Morse has overseen enhancements in numerous areas, including recruiting, training, technology, community outreach, and emergency preparedness. During his tenure, Chief Morse oversaw the opening of the Capitol Visitor Center and the merger between the Capitol Police and Library of Congress Police.

Throughout his career, Chief Morse has continuously exhibited exceptional skills as a crisis manager, security coordinator, innovator, and team builder. Always leading by example, Chief Morse motivated all who came into contact with him through his enthusiasm and flexibility. Thanks to his leadership and service, the Capitol Police today is a stronger, more professional, and effective law enforcement agency.

Born in Wilmington, NC, Chief Morse holds a Bachelor of Science and a Master of Science degree in management from the Johns Hopkins University. He is a loving and devoted husband and father of three children.

Speaking both for himself and the ranks of law enforcement officers who serve the Congress, Chief Morse once stated, "The security and protection of this great institution is not only our job, but we consider it a sacred duty and privilege to serve you, the Congressional staff, and the millions of visitors from every corner of the world who come to the United States Capitol complex every year." We have all benefited from his distinction and dedication.

On behalf of the U.S. Senate, I congratulate Chief Morse on his well-earned retirement from the United States Capitol Police and salute his distinguished career.

#### VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, I was unavoidably detained for rollcall vote No. 114 on the nomination of Timothy S. Hillman to be a United States District Judge for the District of Massachusetts. Had I been present, I would have voted yea.

#### TRIBUTE TO JOHN M. CONNORS, JR.

Mr. BROWN of Massachusetts. Mr. President, I rise today in tribute to John M. "Jack" Connors, Jr., of Brookline, MA, a larger-than-life figure in a region with quite a few outsized personalities. A Massachusetts native, he grew up in the Roslindale section of Boston and graduated from Boston College. A born go-getter, to help pay for

college Jack landed one of the greatest jobs in New England—selling hotdogs and peanuts at Fenway Park.

Not long after graduation, Jack co-founded Boston's Hill Holliday ad agency and spent the better part of 30 years as an ad man. Now a part of the Interpublic Group of Companies, Jack remains chairman emeritus of this leading agency. He is a fierce competitor in business and built hugely successful and profitable enterprises that employ tens of thousands and have contributed billions to the regional economy. In July, Jack will step down after a phenomenally successful 17-year tenure as chairman of the board of Partners Health Care Systems.

Partners began with the merger of two of our Nation's leading teaching hospitals, Massachusetts General Hospital and Brigham and Women's Hospital. Of course, the real work of any merger comes after the deal is signed, and when Jack was elected chairman of Partners' board in 1996, he helped lead the integration and growth of the new not-for-profit network.

Today, Partners is the largest health care network in Massachusetts, and with over 50,000 employees, the State's largest private employer. It is also one of our Nation's great medical research centers. In fact, Partners is the largest recipient of National Institutes of Health research grants, a testament to their world-class scientists and facilities.

Jack serves on the boards of many companies and organizations, including Covidien and Hasbro. He is also a trustee of Emmanuel College, his alma mater Boston College, and is a member of Harvard Medical School's Board of Fellows.

Throughout his career, Jack has been a relentless fighter for the less fortunate in the Boston area. From an early age, Jack worked closely with Boston's leading charities, often providing pro bono ad work for these nonprofits. Jack seemed to always know that any true measure of a successful life must include helping others.

Jack worked tirelessly to save many of the Boston Archdiocese's struggling schools. As a businessman, he knew that rescuing these schools required more than throwing money at the problem—and by some estimates, Jack raised about \$70 million for the cause—it also required a more businesslike approach to running these schools. So Jack encouraged the archdiocese to build parochial academies such as Pope John Paul II Catholic Academy that serve more than one parish. These academies are now models of primary education and well over 95 percent of their students go on to college.

Over the years, Jack worked closely with Boston Mayor Tom Menino on a number of important projects to help enrich the lives of at-risk youth. Among their more ambitious—and hugely successful—is Camp Harbor View. This partnership with the city and the Boys & Girls Clubs of Boston

has, in a few short years, created a summer haven for nearly 800 young people on Long Island off Quincy, MA. This remarkable program has a full-time staff which stays in contact with campers and their families during the school year.

In closing, it is a privilege for me to join Jack's friends, family, and colleagues in congratulating him on his retirement from Partners. And though Jack will be leaving Partners, we can be sure he will continue to have a larger-than-life presence in the educational, cultural, and business life of Boston. I thank Jack for his tremendous service to the people of Massachusetts and wish him and his wife Eileen all the best in the years ahead.

#### REMEMBERING SENATOR JAMES ABDNOR

Mr. JOHNSON of South Dakota. Mr. President, I rise today to mark the passing of a great public servant from South Dakota, Senator James Abdnor.

Senator Abdnor is remembered across South Dakota as a man that never lost touch with the people who elected him. Throughout his life, no matter what office he achieved, he was in his heart the same small town South Dakotan he had always been. He traveled the world, but wherever he went, he always took his hometown, Kennebec, SD, with him.

Before he was a U.S. Senator, Jim Abdnor served in the South Dakota State Senate in Pierre, and spent 3 years as Lieutenant Governor. In 1972, he was elected to Congress, where he served three terms in the U.S. House. In 1980, he defeated Senator George McGovern to serve in the Senate, and later headed the Small Business Administration for 2 years under President Reagan.

Beyond his official titles, Senator Abdnor was also the son of a Lebanese immigrant, an Army veteran, a farmer and rancher, an avid follower of small town baseball, and a father-figure to many of his staff members, who continue to carry out his legacy to this day.

Senator Abdnor was regarded as a decent and humble man, by both political supporters and opponents. He would be the first to admit that he was not a flashy speaker, but, one-on-one, he had a way of connecting with people. Plain spoken, straightforward, friendly, and accessible—there are few politicians like Senator Abdnor, and our Nation is poorer for it.

As one South Dakotan recently wrote,

I may have voted for someone else, but I never voted against Jim.

His service inspired countless South Dakotans on both sides of the aisle, and we all mourn his passing.

## ADDITIONAL STATEMENTS

## REMEMBERING JUDGE ROBERT BOOCHEVER

• Mr. BEGICH. Mr. President, today I wish to memorialize the Honorable Robert Boochever, a retired jurist of the 9th Circuit Court of Appeals. Born in New York in 1917, Judge Boochever led a distinguished and balanced life while he helped to build a community, define the laws of a new State, and serve his country. Among the rarest of men, he is remembered as much for his love of family as for his commitment to community and dedication to duty.

As a graduate of Cornell University's School of Law, Bob joined the U.S. Army Infantry and in 1941 was stationed in Newfoundland. There, Captain Boochever met Connie, an Army nurse, who was to be his wife until her death in 1999. After his 1945 discharge, the couple came north to Alaska where Bob served as Assistant U.S. Attorney for the Alaska Territory.

In 1947 Bob entered private practice at the law firm Faulkner, Banfield, Boochever, and Doogan. For the next 25 years, he focused his diverse talents on his firm, his family and his community. As the leader on more than a dozen community and professional boards, he helped to shape the capital city of Juneau and the State of Alaska. Whether as president of the Juneau or Alaska Bar Association, Juneau Rotary, or the Juneau Chamber of Commerce, Bob had a hand in policy development and quality of life for a developing territory and State. He chaired Juneau's first city Planning Commission, helped to develop a comprehensive plan, and served on the selection committee to choose a site for the University of Alaska Southeast. He was recognized with an honorary doctorate at UAS, and in 1974, was chosen as "The Man of the Year" for the Juneau Chamber of Commerce. He also received a Distinguished Alumnus Award from Cornell Law School.

A quiet man of many talents, Bob was an accomplished athlete. He lettered in four sports during high school and two at Cornell—football and tennis. In the Army he learned to ski, so in Juneau he helped to develop Eaglecrest, a highly acclaimed community operated ski slope. His granddaughter, Hilary Lindh, got her start there and became a silver medalist at the 1992 Albertville Winter Olympics.

A quiet man with a twinkle in his eye, Bob loved his family and, with Connie, helped to raise four wonderful daughters. Complementing Connie's love and advocacy for the arts, he was a poet, a writer, and played the piano, creating stories and songs for each of his children. He championed family camping trips, bird watching, fly fishing, and made major expeditions to explore for new places to fish. He wrote stories for publication in Alaska Magazine about his travels.

In 1972, ready for a new professional challenge, Bob accepted Governor Bill

Egan's appointment to the Alaska Supreme Court. During eight years on the bench, he served four as Chief Justice. Many cases in which he played an integral part are frequently referenced, in particular: *Ravin v. State* established the right to privacy in a person's home; and *Aguchak v. Montgomery Ward* limited a creditor's ability to collect a debt against a rural Alaskan by filing a case in an Alaska court distant from their home.

Recognized for his protection of individual rights and liberties, Justice Boochever was tapped in 1980 by President Jimmy Carter to serve on the Nation's largest appellate court, the 9th Circuit Court of Appeals. The first Alaskan so appointed, he presided as an active member for six years before achieving senior status, which he held until his passing on October 9, 2011.

Praised as a man who wanted to improve the administration of justice, Judge Robert Boochever was someone who championed the rights of minorities and the disadvantaged. His colleagues have said he was the best writer on the bench—succinct, clear, and to the point. He was a person of integrity who was honest, warm and caring; and a gentle, generous man who was a tireless advocate.

Robert Boochever was among the best of men and a great Alaskan. We are better because of his caring and compassion for family and community, his commitment to public service and fair adjudication, and his outstanding contributions and investments in the humanities.

Our deepest condolences are extended to his family—daughters Barbara Lindh, Ann Boochever, Linda Boochever, and Miriam Medenica; stepdaughters Betty Thompson, Joan Stark and Laurie Craig; his 11 grandchildren; and his 3 great-grandchildren.●

## TRIBUTE TO ERNIE YATES

• Mrs. BOXER. Mr. President, today I wish to pay tribute to my friend Ernie Yates, the dynamic California labor leader who is retiring next month after 49 years as a member, business agent, and officer of Teamsters Local 665 in San Francisco.

Ernie was born in San Francisco in 1946 and attended Mission High School. At age 17, he got a job at Allright Parking and joined Local 665.

In 1977, Ernie was appointed as the business agent for Local 665 and his assignments included policing labor agreements and processing grievances in a variety of crafts, including the rent-a-car, parking garage, shuttle bus, and taxicab industries. Three years later, he was elevated to the executive board of Local 665 and became its president. Throughout the next decade, Ernie negotiated Teamster regional, master, and white paper contracts in all of the core automotive industries under the local's jurisdiction.

In 1992, with the active support of hundreds of Local 665 members, Ernie

was elected secretary-treasurer, the principal officer of the union, a position he has held until his announced retirement in 2012.

During his 35 years as an officer and business agent of Local 665, Ernie honed his skills as an expert labor negotiator. In both good and bad economic times, Ernie has used these skills to bring fair and just contract settlements to thousands of workers at Teamster worksites throughout the San Francisco Bay Area.

Ernie has been married to his beloved wife Janet for 47 years. Together they have two sons, Michael and Mark; a daughter, Kimberly; 12 grandchildren and 4 great-grandchildren.

On June 12, 2012, Teamsters Local 665 will celebrate Ernie's decades of service to the union's membership and the working families of California. I am honored to join them in saluting a great Californian and a great American, Ernie Yates.●

## TRIBUTE TO SUE GLADHILL

• Mr. CARDIN. Mr. President, today I wish to recognize the extraordinary accomplishments of T. Susan Gladhill, MSW, who will be retiring as Chief Government & Community Affairs Officer and Vice President after more than three decades of service to the University of Maryland, Baltimore—UMB.

Sue began her career at UMB as an instructor at the School of Social Work, where she had earned her Master's degree in Social Work. Then, she joined the president's office, first as an assistant in government affairs. One of her first tasks was to secure passage of legislation to privatize the University of Maryland Hospital. During Sue's tenure, she has served as associate vice president for government affairs, vice president for government affairs, and—since 1995—vice president for external affairs, a position which also includes managing UMB's communications and development. Sue has done an admirable job representing the University of Maryland's legislative interests. She helped to acquire construction funding for the R. Adams Cowley Shock Trauma Center and she was involved in landmark legislation that re-established the University System of Maryland as a public corporation. She also worked on passage of the Public Private Partnership Act, which made it possible for university faculty to enter into business relationships with the private sector. This act was critically important with regard to establishing a highly successful technology transfer program.

Sue has also been a prolific fundraiser for the university, raising money for the Health Sciences & Human Service Library and the Schools of Social Work, Nursing, Law, Dentistry, Pharmacy, and Health Science Facilities I, II, and III. She has raised funds for renovating research space in Howard Hall. She was instrumental in establishing an institutional-affiliated foundation

known as the University of Maryland Baltimore Foundation, which has grown its assets to just under \$200 million since 2000. She is the foundation's president and chief executive officer. Through it all, Sue has also managed to serve as an adjunct clinical associate professor at the University of Maryland School of Social Work.

I ask my colleagues to join me in thanking Sue Gladhill for her dedicated service and consummate leadership at the University of Maryland, Baltimore. She has contributed greatly to the success of the excellent education and services provided by the University of Maryland's prestigious graduate schools and medical center, and she will be missed. Please join me in wishing her well in her retirement. She certainly has earned it.●

#### AROOSTOOK COUNTY, MAINE

● Ms. COLLINS. Mr. President, Aroostook County in far northern Maine has long been a thriving center of farming and logging. In the early years of the 20th century, it seemed that the only barrier to growth and prosperity was a shortage of modern health care facilities and trained medical professionals.

Two local citizens took it upon themselves to remove this barrier. By horse and wagon, Frank White, an attorney, and Charles E. Hussey, a farmer, traveled through the countryside calling on their neighbors and collected \$2,500 to establish a center for health care. In the spring of 1912, Presque Isle General Hospital opened with 20 beds, an operating theater with the latest equipment, four physicians, and a training school for nurses.

Much has changed during the past 100 years. What began in one three-story converted house as Presque Isle General is known today as the Aroostook Medical Center, TAMC, with facilities in Presque Isle, Mars Hill, and Fort Fairfield, an ambulance service, and outreach services, such as a dialysis center and primary care clinics, throughout the northern part of the largest county east of the Mississippi. It has a medical staff of more than 60 trained professionals and a workforce of more than 1,000, making it the region's largest employer.

What has not changed is the spirit of service that is the foundation of this remarkable organization. As one who was born and raised in Aroostook County, I am proud of what has been accomplished there and grateful for the contributions and dedication over the generations that have made this invaluable community resource possible.

The commitment that established the region's first public hospital in 1912 was not a one-time event. Less than a decade later, the growing population created the need for a larger hospital. Another, even more successful fund drive led to the opening in 1921 of a facility with more than twice the beds and vastly expanded services. In 1960, a capital campaign of unprecedented size

for this area established the A.R. Gould Memorial Hospital that continues to grow and serve Aroostook residents.

The namesake of today's hospital is of special significance to my Senate colleagues. Arthur Robinson Gould was a Presque Isle entrepreneur who built a lumber mill, powerplants, and an electric railroad. In 1926, he was elected to the U.S. Senate to fill the term of Senator Bert M. Fernald, who died in office. Senator Gould is best remembered for the courageous stand he took against the Ku Klux Klan at a time when that hateful group was gaining prominence in American politics. Despite the esteem in which he was held, Senator Gould chose not to run for reelection in 1930, saying, "I want to get back to my railroad and the pine forests of Maine."

That simple statement describes the affection the people of Aroostook County have for their home and helps to explain how they could join together to create, sustain, and grow a modern health care organization. By proclamation of the Governor of Maine and the city of Presque Isle, June 9, 2012, is the official day of celebration for this great centennial. I am honored to commemorate the occasion by congratulating the men and women of the Aroostook Medical Center and the people of Aroostook County for 100 years of accomplishment, and I wish them the best in the years to come.●

#### 60TH ANNIVERSARY OF THE B-52

● Mr. CONRAD. Mr. President, I would like to take this opportunity to recognize the men and women of our United States Air Force on the 60th anniversary of the B-52 Stratofortress strategic bomber.

On April 15, 1952, 60 years ago, America's first B-52 lifted off on its maiden flight. This year also marks 50 years since the last B-52, tail number 61-040, rolled off the assembly line in Wichita, KS, and was delivered to Minot Air Force Base in the great state of North Dakota. Through its unwavering service during and after the Cold War, the B-52 has shown itself as a time-tested and proven solution for the long-range strike and nuclear deterrence missions and become an iconic symbol around the world of America's dedication to "peace through strength." Half a century after this jet was developed and fielded to guarantee nuclear deterrence of the Soviet Union, it played a critical role in military operations after September 11. No other airframe in the history of the Nation has done more to keep this country strong and safe than the B-52.

The Boeing Company originally built 744 B-52s. As the global environment evolved, many of these have since been retired. Nonetheless, 74 aircraft remain in the fleet—more than any other bomber. I sponsored legislation, later signed into law, which requires the B-52 fleet to be maintained at no less than 74 aircraft and preserves the fleet

through 2018. With appropriate funding, we expect the remaining 74 B-52s to serve the Nation honorably until 2045.

The fact that the B-52 is still serving the United States today is a testament to the innovation and dedication of the men and women all around this Nation who designed, built, maintained, supported and employed the B-52 for over 50 years. In fact, these aircraft have been so thoroughly and effectively upgraded and modernized that they are projected to continue to play a critical role defending our country for the foreseeable future and beyond.

During this time of ever-tighter budgets, the B-52 is more important than ever, because it is the most cost effective bomber in our inventory. Or, as the military would say, the B-52 provides great "economy of force," which means the B-52 brings a tremendous amount of "bang" for the taxpayer's dollar. B-52 modernization must be a top priority to ensure that "the best bomb truck for the buck" and its airmen can continue to meet emerging strategic challenges now and well into the future.

The longevity, cost-effectiveness, and adaptability of the B-52 are a testament to the quality of its design and procurement. In many ways, the B-52 is the last great success story of American bomber design and procurement. As the development of the new Long Range Strike Bomber moves forward, we must demand the same innovative thought and dedication that led to the development of the B-52 in the 1950s. Our new bomber must be cost-effective, reliable, and versatile. And it must be produced on schedule, on budget and in quantity. Anything less would be mismanagement we cannot afford, either fiscally or strategically.

2012 has been coined the "Year of the B-52." This year, more than ever, we celebrate the American innovation and dedication that produced this time-tested and tireless workhorse for the Nation. We also celebrate and give our whole-hearted thanks to the men and women who keep these great aircraft flying and keep our Nation safe.●

#### RECOGNIZING THE 2011 SLOAN AWARD RECIPIENTS

● Mr. CRAPO. Mr. President, my colleague Senator HERB KOHL joins me today in congratulating the 2011 winners of the Alfred P. Sloan Award for Excellence in Workplace Effectiveness and Flexibility, which recognizes companies that have successfully used flexibility to enhance both business results and employee goals. The Sloan Awards are presented by the When Work Works initiative, which is a project of the Families and Work Institute and the Society for Human Resource Management. In 2011, the When Work Works initiative was sponsored by the Alfred P. Sloan Foundation.

We want to draw your attention to the Sloan Awards because these organizations are to be commended for their

excellence in providing workplace flexibility practices that benefit both employees and employers. Achieving greater flexibility in the workplace, to maximize productivity while attracting and retaining talented individuals, is one of the key challenges facing organizations in the 21st century.

Organizations in the following 25 communities were eligible for recognition through the 2011 Sloan Awards: Arizona, statewide; Aurora, CO; Boise, ID; Charleston, SC; Chicago, IL; Dallas, TX; Dayton, OH; Durham, NC; Georgia, statewide; Houston, TX; Long Beach, CA; Long Island, NY; Louisville, KY; Melbourne-Palm Bay, FL; Michigan, statewide; Milwaukee, WI; Morris County, NJ; New Hampshire, statewide; Oregon, statewide; Providence, RI; Richmond, VA; Rochester, MN; Salt Lake City, UT; Twin Cities and St. Cloud, MN; and Winona, MN. In addition, there are several winners recognized in the at-large category. In these communities, organizations applied for, and winners were selected for, the Sloan Awards through a process that included employees' views as well as employer practices.

We would like to take this opportunity to congratulate the 2011 winners of the Alfred P. Sloan Award for Excellence in Workplace Effectiveness and Flexibility. These organizations are to be commended for their excellence in providing workplace flexibility.

In Arizona, the winners are Arizona Foundation for Legal Services & Education; Arizona Health Care Cost Containment System, AHCCCS; Autohaus Arizona, Inc.; Children's Dental Village; Custom Accounting & Tax-Cave Creek; Henry & Horne, LLP; Infincom; Keats, Connelly and Associates LLC; Microchip Technology Inc.; Omega Legal Systems, Inc.; Point B; Rio Salado College; Scottsdale Healthcare; Southwest Institute of Healing Arts, SWIHA; Verde Valley Sanctuary; and Wist Office Products.

In Aurora, CO, the winners are Arapahoe/Douglas Works! and Aurora Mental Health Center.

In Boise, ID, the winners are Alliance Title & Escrow Corp.; American Geotechnics; Givens Pursley LLP; Mountain States Group, Inc.; Red Sky Public Relations; and TitleOne Corporation.

In Charleston, SC, the winners are Barling Bay, LLC; Charleston Metro Chamber of Commerce; Community Management Group; McKesson Corporation; and MMP School, Inc.

In Chicago, IL, the winners are AzulaySelden Law Group; Bryan Cave, LLP; Frost, Ruttenberg & Rothblatt, P.C.; Manpower; NCH Marketing Services-A Valassis Company; Ocean Tomo, LLC; Ounce of Prevention Fund; Perspectives, Ltd.; Recruit Training Command Great Lakes; Sanchez Daniels & Hoffman LLP; The Habitat Company; True Partners Consulting; Turner Construction Company; and Verizon Wireless.

In Dallas, TX, the winners are A. Miller Consulting Services, Inc.;

Abernethy Media Professionals; Aguirre Roden Inc.; Dallas Convention & Visitor's Bureau; Delta Dallas; MHB T Inc.; Operation Kindness; and The Center for American and International Law.

In Dayton, OH, the winners are Azimuth Corporation; Barco, Inc.; Brower Insurance Agency LLC; Cornerstone Research Group; EAGLE Registrations Inc.; Eastway Behavioral Healthcare; Evanhoe & Associates Inc.; Greater Dayton Area Hospital Association; Macaulay-Brown; Premier Community Health; Radiance Technologies Inc.; Sebaly Shillito + Dyer; and Shumsky Enterprises, Inc.

In Durham, NC, the winners are American Institute for Certified Public Accountants (AICPA); American Journal Experts, LLC; Durham Convention & Visitor's Bureau; Hill, Chesson & Woody Employee Benefit Services; ICF International; McKinney, Rho, Inc.; Shodor Education Foundation, Inc.; and U.S. Environmental Protection Agency-RTP.

In Georgia, the winners are Hancock Askew & Co., LLP; Mom Corps; Synergis; and WellStar Health System.

In Houston, TX, the winners are Abel Design Group, Ltd.; Binkley & Barfield, Inc.; ContentActive, LLC; Fronterra Integrated Geosciences; Houston Academy of Medicine-Texas Medical Center Library; Klotz Associates Inc.; McDonald's USA LLC; Memorial Hermann Healthcare System; Null-Lairson, P.C.; PKF Texas; Skylla Engineering Ltd.; The Dow Chemical Company; The University of Texas Health Science Center at Houston; The VIA Group; University of Phoenix-Houston Campus; Vinson and Elkins; and Xvand Technology Corporation Provider of ISUtility.

In Long Beach, CA, the winners are Bryson Financial Group; La Strada; Molina Healthcare (Arco Location); and Molina Healthcare (Hughes Way Location).

In Long Island, NY, the winners are Albrecht, Viggiano, Zureck & Company, P.C.; America Institute of Physics; American Heart Association; Brookhaven Science Associates, LLC; Cerini & Associates, LLP; Creative Plan Designs, Ltd.; Jackson Lewis; P.W. Grosser Consulting, Inc.; and YES Community Counseling Center.

In Louisville, KY, the winners are Autodemo LLC; Emergint Technologies; Greater Louisville Inc.; Harding Shymanski and Company PSC; KIZAN Technologies LLC; Louis T. Roth & Co.; Lyndon Fire Protection District; McCauley Nicolas, CPAs & Advisors; Mediaura; Prestige Healthcare; Strothman & Company; The Tellennium Group; and Valassis Communication Inc.

In Melbourne-Palm Bay, FL, the winners are Courtyard by Marriott Melbourne; Early Learning Coalition of Brevard County, Inc.; Hoyman Dobson; Residence Inn by Marriott; and SunGuard Public Sector.

In Michigan, the winners are Altair Engineering; Brown & Brown of De-

troit; Educational Data Systems, Inc.; E-IT Professionals Corp.; Farbman Group; Frank Haron Weiner; Kapnick Insurance Group; Menlo Innovations LLC; Michigan Occupational Safety and Health Administration; National Multiple Sclerosis Society; Peckham, Inc.; Public Policy Associates Inc.; Visteon Corporation; and Work Skills Corporation.

In Milwaukee, WI, the winners are Kforce Inc.; Kolb+Co SC; ManpowerGroup; Metropolitan Milwaukee Association of Commerce; MGIC; and Robert W. Baird & Co.

In Morris County, NJ, the winners are Piemonte & Liebhauser, LLC and Solix, Inc.

In New Hampshire, the winners are Families in Transition and MeetingMatrix International.

In Oregon, the winners are FMYI, Inc.; Full Access; gDiapers; Innovative Care Management, Inc.; Isler CPA; Mercy Corps; Metropolitan Family Service; NPC Research; Oregon Environmental Council; Oregon Research Institute; Our House; Portland State University; PREM Group, Inc.; Ride Connection; River Network; Rose City Mortgage; Stoel Rives LLP; and Swift Collective.

In Providence, RI, the winner is Rhode Island Housing.

In Richmond, VA, the winners are Heritage Wealth Advisors; Vaco Richmond; and VCU Health System.

In Rochester, MN, the winners are Cardinal of Minnesota, Ltd.; Custom Alarm/Custom Communications, Inc.; Express Employment Professionals; markit; Rochester Area Chamber of Commerce; Rochester Community and Technical College; Rochester Public Library; Southeast Service Cooperative; United Way of Olmsted County Inc; University of Minnesota Rochester; and Xylo Technologies.

In Salt Lake City, UT, the winners are 1-800 CONTACTS; AAA Fair Credit Foundation; Big Brothers Big Sisters of Utah; Cafe Rio Mexican Grill; Christopherson Business Travel; DigiCert; Equitable Life & Casualty Insurance Company; Futura Industries; Intermountain Healthcare; McKinnon-Mulherin, Inc.; Software Technology Group; Thompson Ostler & Olsen; and Vivint, Inc.

In Twin Cities and St. Cloud, MN, the winners are Dorsey & Whitney LLP; Health Dimensions Group; LaBreche; Mahoney Ulbrich Christiansen Russ PA; Netgain; Prevent Child Abuse Minnesota; TURCK Inc.; and Western National Mutual Insurance Company.

In Winona, MN, the winners are Catholic Charities of the Diocese of Winona; Eastwood Bank; Hiawatha Broadband Communications, Inc.; Home and Community Options; Mediascope, Inc.; Merchants Bank; Sport & Spine Physical Therapy of Winona Inc.; and Winona Work-force Center.

The At-large winners are ACS-Madison, WI; Anneken Huey & Moser PLLC; Averett Warmus Durkee Osburn

Henning; Bader Martin P.S.; Bottom Line Systems, Inc.; Career Path Services; Cascadia Consulting Group, Inc.; Center for Seabees & Facilities Engineering; Cornell University; cSubs; Decision Toolbox; Fesnak and Associates; Frankfort Regional Medical Center; Gallagher, Flynn & Company, LLP; George Mason University; Humanix; JA Counter & Associates, Inc.; Lexmark International; Miklos Systems, Inc.; MorganFranklin Corporation-McLean, VA; Navy Air Logistics Office; Next Wave Systems LLC; Northeast Editing, Inc.; NPower Northwest; OCLC; OpenEye Scientific Software Inc; PatchPlus Consulting, Inc.; People for Puget Sound; Personnel Detachment Afloat West; Pride, Inc.; Social Dynamics, LLC; Sturgill, Turner, Barker & Moloney, PLLC; Technology Transfer Services; Technomics, Inc.; Training Squadron Ten; U.S. Navy EODTEU TWO; and WithinReach.

Organizations with winners in multiple cities are BDO; Bon Secours; Booz Allen Hamilton; Capital One; Clifton Gunderson; Deloitte, Ernst & Young; GoDaddy.com; Intel Corporation; KPMG; Laughlin Constable; McGladrey; Microsoft; PricewaterhouseCoopers; Ryan LLC; Service Express Inc.; and The Novo Group.

Again, we congratulate the 2011 winners of the Sloan Award and encourage their community leaders to recognize these best practices.●

#### BICENTENNIAL OF THE WAR OF 1812

● Mr. ISAKSON. Mr. President, today I wish to commemorate the bicentennial of the beginning of the War of 1812, on June 18, 2012, in the RECORD.

President James Madison signed a declaration of war against Great Britain on June 18, 1812. The sacrifices by those soldiers, citizens, and their families who fought in the War of 1812 further defended the liberties previously won in the American Revolution. These sacrifices include heroic efforts by Dolley Madison to save some of our national treasures from destruction during the burning of the White House by the British on August 24, 1814. The conflict and bravery shown during this conflict would inspire Francis Scott Key to write a poem describing the bombardment of Fort McHenry in Baltimore Harbor, and this would later become our country's national anthem, known as the "Star Spangled Banner."

The War of 1812 further solidified the independence of the United States from Great Britain, and the Treaty of Ghent was signed on December 24, 1814, to end the War of 1812. Many Georgia residents can trace their lineages back to these patriotic early settlers.

Descendants of the veterans of the War of 1812 chartered the Georgia State Society within the General Society of the United States Daughters of 1812 on June 18, 1901, to promote a general awareness of the history of the War of 1812 among the citizens of Georgia and

the Nation. As we observe the bicentennial of the War of 1812, I urge all citizens to become more knowledgeable of the role the War of 1812 played in the history of our great Nation and the State of Georgia.●

#### 150TH ANNIVERSARY OF THE UNIVERSITY OF SOUTH DAKOTA

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to pay tribute to my alma mater, the University of South Dakota, on their 150th anniversary. Throughout its history, USD has been a shining example of excellence in education, research, and service. USD consistently produces extraordinary graduates, prepared for the complex challenges of modern-day society.

Founded in 1862 in Vermillion, USD has the distinction of being South Dakota's oldest university. Since its founding, the campus has grown from one building to 63, serving a student population of nearly 10,000. USD offers a complete range of undergraduate and graduate programs of study, as well as the only schools of law and medicine in South Dakota. Students are well-served by USD's liberal arts tradition, which encourages interdisciplinary study. This produces adaptable, well-rounded graduates, prepared for the ever-changing world.

USD students have been awarded some of the most prestigious honors in academia including Rhodes, Fulbright, Truman, Udall, and Goldwater Scholarships. Graduate and undergraduate students frequently collaborate one-on-one with USD's dedicated faculty to conduct research. This high degree of collaboration is enabled by the university's 15-1 student-faculty ratio.

Athletics are an important part of university life, and USD is no exception. The iconic DakotaDome is the cornerstone of USD Coyote athletics. This multipurpose 145,000 square foot structure has brought fans and athletes together for more than 30 years. The Coyotes have made the jump to division I, bringing increased exposure and a higher level of competition to the athletic program.

It is a great pleasure to have this opportunity to honor the University of South Dakota for 150 years of academic success. USD is a family tradition; it is where I met my wife, Barbara, and when it was time for our three children to attend college they all chose USD. The world-class education I received at USD gave me skills and knowledge that serve me well to this today. I congratulate my good friend, President Jim Abbott, and the entire USD community on this milestone in the rich history of the university. As an alumnus, I would be remiss if I didn't close my statement with, "Go Yotes!"●

#### 100TH ANNIVERSARY OF THE ROYAL ROSARIANS

● Mr. MERKLEY. Mr. President, today I wish to commemorate the 100-year

anniversary of the founding of the Royal Rosarians. The Royal Rosarians serve as Portland's official greeters and ambassadors by charter from the mayor's office. They also serve as ambassadors of goodwill for the Portland Rose Festival.

For the last century, the Royal Rosarians have represented the city of Portland at events around the world. They have planted roses in Buckingham Palace and knighted mayors of major international cities. Founded by Portland business and civic leaders, their official dress is white suits and straw hats, same as it was 100 years ago.

To Prime Minister Robert H. Hungerford and all Rosarians, past and present, thank you for your service to the city of Portland. You continue a proud tradition.●

#### MESSAGE FROM THE HOUSE

At 10:12 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5743. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 5854. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5743. An act to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Select Committee on Intelligence.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5854. An act making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BEGICH (for himself and Ms. MURKOWSKI):



S. 3262. A bill to amend the Whaling Convention Act to require the Secretary of Commerce to authorize aboriginal subsistence whaling as permitted by the regulations of the International Whaling Commission and to set aboriginal subsistence catch limits for bowhead whales in the event the Commission fails to adopt such limits, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 3263. A bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER (for himself and Ms. LANDRIEU):

S. 3264. A bill to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI:

S. 3265. A bill to amend the Federal Power Act to remove the authority of the Federal Energy Regulatory Commission to collect land use fees for land that has been sold, exchanged, or otherwise transferred from Federal ownership but that is subject to a power site reservation; to the Committee on Energy and Natural Resources.

By Mr. DEMINT (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. CHAMBLISS, Mr. ENZI, Mr. ISAKSON, Mr. LEE, Mr. GRAHAM, Mr. GRASSLEY, and Mr. RISCH):

S.J. Res. 42. A joint resolution proposing an amendment to the Constitution of the United States relative to parental rights; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. BROWN of Massachusetts):

S. Res. 477. A resolution calling for the safe and immediate return of Noor and Ramsay Bower to the United States; considered and agreed to.

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, and Mr. SANDERS):

S. Res. 478. A resolution commemorating the 200th anniversary of the chartering of Hamilton College in Clinton, New York; considered and agreed to.

By Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska):

S. Res. 479. A resolution commemorating the dedication of the Strategic Air Command Memorial during the 20th anniversary of its stand down; considered and agreed to.

By Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska):

S. Res. 480. A resolution commemorating the 20th anniversary of United States Strategic Command; considered and agreed to.

By Mr. LUGAR (for himself, Mr. KERRY, Mr. INHOFE, Mr. WEBB, Ms. AYOTTE, Mr. COCHRAN, and Mr. INOUE):

S. Res. 481. A resolution celebrating the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. BURR):

S. Con. Res. 45. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines; considered and agreed to.

#### ADDITIONAL COSPONSORS ON JUNE 4, 2012

S. 219

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 657

At the request of Mr. CARDIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 657, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 797

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 797, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 1174

At the request of Ms. STABENOW, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1221

At the request of Mrs. SHAHEEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1221, a bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. 1512

At the request of Mr. CARDIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his

achievements and heroic actions during the Holocaust.

S. 1600

At the request of Mr. MORAN, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. 1600, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1613

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1613, a bill to improve and enhance research and programs on childhood cancer survivorship, and for other purposes.

S. 1881

At the request of Mr. WHITEHOUSE, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1881, a bill to establish an integrated Federal program to respond to ongoing and expected impacts of climate variability and change by protecting, restoring, and conserving the natural resources of the United States and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities.

S. 1929

At the request of Mr. BLUMENTHAL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Wyoming (Mr. ENZI), the Senator from New Mexico (Mr. UDALL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Colorado (Mr. BENNET), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2003

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2003, a bill to clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States and for other purposes.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children

with disabilities or special health care needs make informed choices about health care for their children.

S. 2201

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2201, a bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit.

S. 2280

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2280, a bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes.

S. 2371

At the request of Mr. RUBIO, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 2374

At the request of Mr. BINGAMAN, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3220

At the request of Ms. MIKULSKI, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mr. SCHUMER) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the names of the Senator from Georgia

(Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3225

At the request of Mr. WYDEN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3225, a bill to require the United States Trade Representative to provide documents relating to trade negotiations to Members of Congress and their staff upon request, and for other purposes.

S. 3239

At the request of Mrs. FEINSTEIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Massachusetts (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KERRY), the Senator from Oregon (Mr. MERKLEY), the Senator from Louisiana (Mr. VITTER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S. RES. 435

At the request of Mr. CASEY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 435, a resolution calling for democratic change in Syria, and for other purposes.

#### ADDITIONAL COSPONSORS

S. 606

At the request of Mr. CASEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1335

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Connecticut

(Mr. LIEBERMAN) 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. 1591

At the request of Mrs. GILLIBRAND, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Georgia (Mr. ISAKSON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Florida (Mr. RUBIO) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1989

At the request of Ms. CANTWELL, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1989, a bill to amend the Internal Revenue Code of 1986 to make permanent the minimum low-income housing tax credit rate for unsubsidized buildings and to provide a minimum 4 percent credit rate for existing buildings.

S. 2010

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2010, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 2120

At the request of Ms. MURKOWSKI, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 2120, a bill to require the lender or servicer of a home mortgage upon a request by the homeowner for a short sale, to make a prompt decision whether to allow the sale.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2149

At the request of Mr. MERKLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2149, a bill to exclude from consumer credit reports medical debt that has been in collection and has been fully paid or settled, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2192

At the request of Mr. PRYOR, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2192, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 2219

At the request of Mr. WHITEHOUSE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2219, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 2235

At the request of Mr. NELSON of Nebraska, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2235, a bill to prohibit the establishment by air carriers and airport operators of expedited lines at airport screening checkpoints for specific categories of passengers, and for other purposes.

S. 2282

At the request of Mr. INHOFE, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 2282, a bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017.

S. 2371

At the request of Mr. RUBIO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2371, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3085

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3085, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3199

At the request of Mr. NELSON of Florida, his name was added as a cosponsor

of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3220

At the request of Ms. MIKULSKI, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3220, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 3221

At the request of Mr. RUBIO, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 3221, a bill to amend the National Labor Relations Act to permit employers to pay higher wages to their employees.

S. 3236

At the request of Mr. PRYOR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3239

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3257

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 3257, a bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction.

S. RES. 448

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. KIRK) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 448, a resolution recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 3263. A bill to require the Secretary of Transportation to modify the final rule relating to flightcrew mem-

ber duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am proud to join my colleague Senator SNOWE in once am introducing legislation to improve aviation safety.

The Safe Skies Act we are introducing today will close a loophole in the Department of Transportation's recent rule on pilot fatigue, and ensure that pilots of cargo planes are just as well rested and prepared for their important work as the pilots of passenger planes who they share airports and airways with.

Following the tragic crash of Flight 3407 in 2009, Senator SNOWE and I introduced legislation to address several important aviation safety issues, including the need to update pilot fatigue regulations to reflect new, scientific research.

Under the new rule issued by the Department of Transportation, pilots of passenger planes will be limited to flying eight or nine hours, depending on the start time. Minimum rest periods will be 10 hours, with the opportunity for eight hours of uninterrupted sleep.

Unfortunately, cargo pilots were left out of the rule—which undermines the one level of safety we are trying to achieve in our airline industry.

Current rules regarding cargo flight operations permit cargo pilots to be on duty as many as 16 hours during a 24-hour period, regardless of when they begin their shift. Compared to passenger pilots, cargo pilots are permitted to fly 60 percent more hours—as much as 48 hours in a 6-day period.

Keeping cargo pilots out of the improved flight and duty time regulations does not make sense; they too need rest in order to safely perform their jobs. And the safety of our skies depends on all pilots performing well.

This legislation directs the Secretary of Transportation to apply the same flight and duty time regulations for pilots of passenger planes to cargo pilots as well. This bill is supported by the Airline Pilots Association, the Independent Pilots Association and the Coalition of Airline Pilots Associations, and has been championed in the House by Representatives CHIP CRAVAACK and TIMOTHY H. BISHOP.

I look forward to working with my colleagues to pass this legislation as part of our ongoing efforts to improve the safety of our Nation's aviation system.

By Ms. MURKOWSKI:

S. 3265. A bill to amend the Federal Power Act to remove the authority of the Federal Energy Regulatory Commission to collect land use fees for land that has been sold, exchanged, or otherwise transferred from Federal ownership but that is subject to a power site reservation; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, we often hear refrains of the need to make government policies more fair, clear, or simple—especially when these policies involve the collection of fees or taxes. Today I rise to introduce legislation to fix an inherently unfair policy by prohibiting the Federal Energy Regulatory Commission from charging land-use fees for hydropower projects that are no longer located on federal land.

FERC is responsible for licensing private, municipal and state hydropower projects. Pursuant to the Federal Power Act, the Commission is authorized to collect fees from project owners for those hydro projects located on federal lands. The rationale behind these land-use fees is to recompense the United States for the “use, occupancy, or enjoyment” of its federal lands. The Federal Government is, in some sense, a landlord for these types of projects, and can collect just and reasonable rent from its tenants. The current level of these rents is a separate issue—which I encourage all of my colleagues to examine as well since FERC is seeking to change its collection methodology and increase those fees—but today I am focused on how a technicality in federal law allows the government to continue to collect land-use fees even when the land at issue has been transferred out of federal ownership. Under current law, if the Federal Government sold the land underneath a hydropower project to the operator, or transferred it into state ownership, FERC would continue to assess full land use fees against the operator. This untenable situation is like a landlord continuing to collect rent from a tenant even after the tenant buys the house outright!

While the inherent unfairness of such a scenario is clear, the statutory and regulatory web that has created this snare is extremely complex. In addition to allowing for the collection of federal land-use fees, the Federal Power Act also contains a section regarding Power Site Classifications, or PSCs. A PSC attaches to the land when a preliminary hydropower license application is made, and entitles the government, or its designees, to enter the associated land and develop a hydropower project if some other person or operation is occupying it. These classifications are similar to easements, in that they permanently attach to the title of the lands. The purpose of PSCs is to make sure that hydropower can be developed in the limited number of areas on federal land that are suitable, and furthermore that once such an area is identified by a preliminary application, that the site is not then diverted to an alternate use.

However, FERC has interpreted the statutory fee collection provisions to give these PSCs another affect that is not in keeping with this purpose—to charge land-use fees from existing hydropower operators in cases where the Federal Government no longer owns

the land. In such a case, there is no need for a PSC to preserve the hydro-power value of land as it is already being used for power production. Nor is the Federal Government somehow missing out on other beneficial uses of the land, because it no longer owns the land at issue. But FERC’s current interpretation of the FPA is that a PSC qualifies as a significant enough interest in the associated land to justify the collection of full land-use fees.

When I first learned of this issue, I asked FERC for a list of the hydro-power projects for which it was collecting these PSC-based federal land-use fees. Apparently, while FERC has been perfectly capable of collecting these fees, it has been less diligent in keeping track of which projects are located on lands that have since been transferred away from federal ownership. Despite numerous requests from my office, FERC was unable to produce even a possible list of impacted projects. Consequently, my staff attempted to survey the number of affected projects by consulting with both the National Hydropower Association and the Alaska Power Association. This search identified 15 possible projects subject to these PSC land use fee collections—10 of which are located in my home state of Alaska. While some may dismiss these fees as being relatively minor, I can tell you that these annual federal fees for land not even owned by the Federal Government can represent a significant hardship for my constituents.

The bill I am introducing today would put a halt to this kind of fee collection. It simply says that when FERC is making fee determinations, it cannot take PSCs into account. Therefore, the only land that the Federal Government will be able to collect “use, occupancy, and enjoyment” fees is for land that it actually owns. I hope all of my colleagues can agree this treatment is a fair resolution of the issue and I ask for their support.

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

S. 3265

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

**SECTION 1. REMOVAL OF AUTHORITY TO COLLECT LAND USE FEES FOR CERTAIN LAND.**

Section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) is amended in the first sentence by inserting after “enjoyment of its lands or other property” the following: “(which, for purposes of this section, shall not include land that has been sold, exchanged, or otherwise transferred from Federal ownership, but that is subject to a power site reservation under section 24)”.

SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 477—CALLING FOR THE SAFE AND IMMEDIATE RETURN OF NOOR AND RAMSAY BOWER TO THE UNITED STATES**

Mr. KERRY (for himself and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 477

Whereas Colin Bower’s 2 young sons, Noor and Ramsay Bower, were illegally abducted from the United States by their mother in August 2009 and taken to Egypt;

Whereas Noor William Noble Bower, age 11, and Ramsay Maclean Bower, age 9, are citizens of the United States of America;

Whereas, on December 1, 2008, prior to the abduction of Noor and Ramsay, the Probate and Family Court of the Commonwealth of Massachusetts awarded sole legal custody of Noor and Ramsay to Colin Bower, and joint physical custody with Mirvat el Nady, which ruling stipulated Mirvat el Nady was not to remove Noor and Ramsay from the Commonwealth of Massachusetts;

Whereas, in August of 2009, following a violation of the Probate Court’s ruling, the Massachusetts Trial Court granted sole physical custody of Noor and Ramsay to their father, Colin Bower;

Whereas Colin Bower has been granted only 4 visitations with his sons in the almost 3 years since the abduction;

Whereas the United States has expressed its commitment, through the Hague Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980, “to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence”; and

Whereas the United States and 69 other countries that are partners to the Hague Convention on the Civil Aspects of international Child Abduction have agreed, and encourage all other countries to concur, that the appropriate court for determining the best interests of children in custody matters is the court in the country of their habitual residence: Now therefore be it

*Resolved*, That the Senate calls on government officials and competent courts in Egypt to assist in the safe and immediate return of Noor and Ramsay Bower to the United States.

**SENATE RESOLUTION 478—COMMEMORATING THE 200TH ANNIVERSARY OF THE CHARTERING OF HAMILTON COLLEGE IN CLINTON, NEW YORK**

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 478

Whereas Hamilton College, located in Clinton, New York, received its charter from the Regents of the University of the State of New York on May 26, 1812, “for the instruction and education of youth, in the learned languages and liberal arts and sciences”;

Whereas Hamilton College was originally founded in 1793 as the Hamilton-Oneida Academy by the Reverend Samuel Kirkland, a missionary to the Oneida Indians;

Whereas all-male Hamilton College joined with all-female Kirkland College in 1978 to

form one coeducational institution of higher learning dedicated to academic freedom and the unfettered pursuit of truth;

Whereas the distinguished alumni of Hamilton College include recipients of the Nobel Peace Prize, the Presidential Medal of Freedom, and the Pulitzer Prize, and public servants at every level, including a former Vice President of the United States, United States Senators and Representatives, United States district and appellate court judges, members of the Presidential Cabinet, ambassadors, Governors, and State, county, and local officials; and

Whereas Hamilton College is currently comprised of 1,812 students from 49 states and 37 countries, and a faculty dedicated to teaching and the discovery and advancement of new knowledge: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the bicentennial of the chartering of Hamilton College in Clinton, New York; and

(2) honors the outstanding contributions made by the alumni, faculty, and students of Hamilton College during the past 200 years, including service to the United States that has fostered the development of the United States as a diplomatic force and industrial power in the world.

**SENATE RESOLUTION 479—COMMEMORATING THE DEDICATION OF THE STRATEGIC AIR COMMAND MEMORIAL DURING THE 20TH ANNIVERSARY OF ITS STAND DOWN**

Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 479

Whereas Strategic Air Command was formed on March 21, 1946, to provide the United States with long-range bombing capabilities;

Whereas Strategic Air Command operations were moved to Offutt Air Force Base in 1948 to avoid a surprise attack from the growing nuclear threat by the Soviet Union during the Cold War;

Whereas the men and women of Strategic Air Command perfected aerial refueling, allowing Strategic Air Command bombers to reach any spot in the world and advancing the ability of the United States to project military power worldwide;

Whereas in 1953, following the Korean War, the defense strategy of the United States shifted and President Eisenhower designated Strategic Air Command as the primary nuclear deterrent for the United States;

Whereas the Strategic Air Command played a major role in the triad of aircraft, missiles, and submarines that provided an undefeatable nuclear force that prevented nuclear war and kept the Soviet Union at bay until the demise of the Soviet Union in December 1991;

Whereas Strategic Air Command is credited with the development of the Snark, Atlas, and Minuteman missiles;

Whereas Strategic Air Command maintained continuous airborne alert operations from October 1957 until September 1991, which many consider the longest continuous military operation in history;

Whereas in 1962, the visibility of Strategic Air Command bombers responding to the DEFCON 2 order issued by President Kennedy during the Cuban Missile Crisis presented a clear indication to the Soviet Union of the determination of the United States to remove Soviet missiles from Cuba;

Whereas at its height in 1962, Strategic Air Command employed 283,000 personnel and maintained 3,400 aircraft and 224 land-based missiles;

Whereas in December 1972, 33 crewmembers and 10 B-52 bombers supported by Strategic Air Command were lost during Operation Linebacker II in North Vietnam during the aerial bombing campaign that forced Vietnamese leadership back to negotiations and a peace settlement;

Whereas the need for absolute command and control by national leaders led Strategic Air Command to organize the National Emergency Airborne Command Post operation, which became the National Airborne Operations Center and the E-4B aircraft operating at Offutt Air Force Base;

Whereas the operational practices and procedures for safe and secure nuclear weapons were established by Strategic Air Command and continue under the leadership of United States Strategic Command and Air Force Global Strike Command;

Whereas the Strategic Air Command performed the assigned mission flawlessly according to its famous motto, "Peace is Our Profession";

Whereas the United States, and particularly the State of Nebraska, is extremely grateful to those who served the United States at Strategic Air Command; and

Whereas the Senate recognizes the service and dedication of the individuals whose unyielding commitment and sacrifice contributed to the continued safety of the United States for over 4 decades: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 20th anniversary of the stand down of Strategic Air Command and the immeasurable contributions and prominent role of Strategic Air Command in national security and nuclear deterrence during the Cold War;

(2) commemorates the dedication of the Strategic Air Command Memorial in the State of Nebraska, which pays tribute to the men and women who worked tirelessly to make Strategic Air Command the most powerful and professional military organization in the world; and

(3) honors the personnel who served at Strategic Air Command and those who have carried on the tradition of excellence through service at United States Strategic Command.

**SENATE RESOLUTION 480—COMMEMORATING THE 20TH ANNIVERSARY OF UNITED STATES STRATEGIC COMMAND**

Mr. JOHANNIS (for himself and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 480

Whereas United States Strategic Command was established on June 1, 1992, to meet national security needs of the post-cold-war era by combining all strategic planning, targeting, and wartime employment of forces under one commander headquartered at Offutt Air Force Base in the State of Nebraska;

Whereas United States Strategic Command was reestablished in 2002 at Offutt Air Force Base, combining the responsibilities of United States Strategic Command and the United States Space Command along with responsibility for early warning and defense against missile attack;

Whereas over the last 20 years, United States Strategic Command has flawlessly ex-

ecuted the mission to deter nuclear attacks and employ nuclear forces if necessary;

Whereas in 2010 the mission of United States Strategic Command expanded again to include cyberspace operations through United States Cyber Command, a subunified command;

Whereas United States Strategic Command provides continuous information regarding orbiting satellites and space debris to spacecraft such as the International Space Station;

Whereas United States Strategic Command has supported coalition forces in Iraq and Afghanistan by providing intelligence, planning, and cyber support;

Whereas United States Strategic Command contributed to United States operations in Libya through long-range conventional strikes and intelligence, surveillance, and reconnaissance;

Whereas United States Strategic Command continues to be the premier nuclear deterrent in the United States, serving as a center for global command and communications headquartered in the State of Nebraska; and

Whereas the United States, and particularly the State of Nebraska, is grateful to those who serve the United States at United States Strategic Command: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 20th anniversary of the establishment of United States Strategic Command and the vital contributions of United States Strategic Command to national security; and

(2) honors the dedicated men and women who serve at United States Strategic Command executing the mission to deter and detect strategic attack against the United States and allies of the United States and to defend the nation as directed.

**SENATE RESOLUTION 481—CELEBRATING THE 60TH ANNIVERSARY OF THE UNITED STATES-PHILIPPINES MUTUAL DEFENSE TREATY AND THE VITALITY OF THE OVERALL BILATERAL RELATIONSHIP**

Mr. LUGAR (for himself, Mr. KERRY, Mr. INHOFE, Mr. WEBB, Ms. AYOTTE, Mr. COCHRAN, and Mr. INOUE) submitted the following resolution; which was considered and agreed to:

S. RES. 481

Whereas Filipinos and Americans fought together in World War II, and an estimated 1,000,000 Filipinos gave their lives to defend freedom;

Whereas the United States and the Republic of the Philippines signed the United States-Philippines Mutual Defense Treaty in 1951;

Whereas the Philippines and the United States are longstanding allies, as demonstrated by the Mutual Defense Treaty, cooperation in conflicts since World War II, and the United States designation of the Philippines as a Major Non-NATO Ally;

Whereas the Clark Veterans Cemetery in the Philippines is the final resting place for the remains of thousands of United States and Filipino veterans from the United States Army, United States Marines Corps, United States Navy, United States Air Force, United States Coast Guard, Philippine Scouts, and their dependents from seven wars since 1900;

Whereas the United States Government administered and cared for the Clark Veterans Cemetery from 1900 to 1991;

Whereas the United States Government seeks to maintain an alliance with the Government of the Philippines that promotes peace and stability in Southeast and East Asia, rule of law and human rights, economic growth, counter-terrorism efforts, and maritime security;

Whereas United States naval ships visit Philippines' ports, and the United States and Philippines' military forces participate in combined military exercises under the Visiting Forces Agreement established in 1998;

Whereas the people and Governments of the United States and the Philippines share a common interest in maintaining freedom of navigation, unimpeded lawful commerce, and transit of people across the seas and subscribe to a rules-based approach in resolving competing claims in maritime areas through peaceful, collaborative, multilateral, and diplomatic processes within the framework of international law;

Whereas the Philippines has served ably for the past three years as the Association of Southeast Asian Nations (ASEAN) country coordinator for the United States;

Whereas the United States Government and the Government of the Philippines work closely together in the struggle against terrorism to make local communities safer and help establish an environment conducive to good governance and development;

Whereas the navy of the Government of the Philippines has received a United States Coast Guard cutter and assistance in establishing a coastal radar system to enhance its monitoring of its waters, with a second cutter due to be transferred soon;

Whereas the United States Government works closely with the Government of the Philippines on humanitarian and disaster relief activities, and in the past has provided prompt assistance to make United States troops, equipment, assets, and disaster relief assistance available;

Whereas the Mutual Defense Board and the Security Engagement Board serve as important platforms for the continuing stability of the long-standing alliance between the Philippines and the United States in a rapidly changing global and regional environment;

Whereas the Bilateral Security Dialogue is an important policy venue for setting the policy direction and providing guidance for all aspects of the alliance relationship;

Whereas Philippines military forces have supported over the years many United Nations peacekeeping operations worldwide;

Whereas the United States ranks as one of the Philippines' top trading partners, with 11 percent of the Philippines' imports coming from the United States and 15 percent of exports from the Philippines delivered to the United States in 2010;

Whereas total United States foreign direct investment in the Philippines was approximately \$7,000,000,000 at the end of 2009;

Whereas the Philippines is one of four countries that has been invited to participate in the new Partnership for Growth Initiative, which promotes broad-based economic growth in emerging markets;

Whereas many Americans and Filipinos have participated in people-to-people programs such as the Peace Corps, the International Visitor Leadership Programs, the Aquino Fellowship, Eisenhower Fellowships, and the Fulbright Scholar Program;

Whereas an estimated 4,000,000 people living in the United States are of Filipino ancestry, over 300,000 United States citizens live in the Philippines, and an estimated 600,000 United States citizens travel to the Philippines each year;

Whereas the U.S.-Philippines Society was recently established to broaden and expand interaction between and understanding of the United States and the Philippines in the

areas of security, trade, investments, tourism, the environment, history, education, and culture;

Whereas the alliance between the United States and the Philippines is founded on core values that aim to promote and preserve democracy, freedom, peace, and justice, and is fortified by the two nations' partnerships in defending these values;

Whereas the Government of the Philippines seeks to improve governance, strengthen the rule of law, and further develop accountable, democratic institutions that can better safeguard human rights, secure justice, and promote equitable economic development;

Whereas His Excellency Benigno S. Aquino III, President of the Republic of the Philippines, is scheduled to visit the United States in June 2012; and

Whereas Secretary of State Hillary Clinton and Secretary of Defense Leon Panetta met with their Philippine counterparts in Washington, D.C. on April 30, 2012, and reaffirmed that the United States and the Philippines are longstanding allies, that the United States Government is fully committed to honoring mutual obligations with the Philippines, and that the alliance continues to serve as a pillar of the Philippines-United States relationship and a source of stability in the region: Now, therefore, be it

*Resolved, That—*

(1) the Senate—

(A) celebrates the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship;

(B) confirms the alliance's centrality and enduring value as one of the key pillars of peace, stability, and prosperity in the Asia-Pacific region and as a key tool in addressing the emerging security environment in the region; and

(C) encourages both countries to continue high-level consultations; and

(2) it is the sense of the Senate that—

(A) the United States Government should use the U.S.-Philippines Bilateral Security Dialogue and the Mutual Defense Board and Security Engagement Board to promote greater alliance cooperation and enhance bilateral security ties, including support for Philippine defense modernization, for the rotational presence of United States Armed Forces in the Philippines and for increased humanitarian and disaster relief preparedness activities;

(B) the United States Government should redouble efforts to expand and deepen the economic relationship with the Government of the Philippines toward achieving broad-based economic development in that country, including by working on new bilateral initiatives that support the efforts of the Government of the Philippines to reform its economy and enhance its competitiveness, and through trade-capacity building;

(C) the Government of the Philippines should continue its efforts to strengthen its democratic institutions to fight corruption, curtail politically motivated violence and extrajudicial killings, expand economic opportunity, and tackle internal security challenges;

(D) after close consultation with the Government of the Philippines, the United States Government should designate an appropriate United States entity to be responsible for making necessary arrangements to ensure ongoing maintenance of Clark Veterans Cemetery in the Philippines; and

(E) the United States Government should continue efforts to assist the Government of the Philippines in the areas of maritime security, maritime domain awareness, humanitarian assistance and disaster relief, and related communications infrastructure to en-

able enhanced information-sharing and overall military professionalization.

**SENATE CONCURRENT RESOLUTION 45—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR AN EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL, COLLECTIVELY, TO THE MONTFORD POINT MARINES**

Mrs. HAGAN (for herself and Mr. BURR) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 45

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL.**

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 27, 2012, to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

**NOTICES OF HEARINGS**

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, June 12, 2012 at 10 a.m. in SD-106 Dirksen Senate Office Building to conduct a hearing entitled "Equality At Work: The Employment Non-Discrimination Act."

For further information regarding this meeting, please contact Dan Goldberg of the committee staff on (202) 224-5441.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Wednesday, June 13, 2012 at 10 a.m. in SD-430 Dirksen Senate Office Building to consider pending nominations cleared for action.

For further information regarding this meeting, please contact the committee on (202) 224-5375.

**AUTHORITY FOR COMMITTEES TO MEET**

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 5, 2012, at 10 a.m. to conduct a hearing entitled, "Veterans Employment and Government Contractors."



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

COMMITTEE ON FINANCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 5, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Combating Poverty: Understanding New Challenges for Families."

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 5, 2012, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Shaun Robinson and Shannon Smith of my staff be granted floor privileges for the duration of today's session.

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

FORMER CHARLESTON NAVAL  
BASE LAND EXCHANGE ACT OF  
2012

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 414, S. 2061.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

A bill (S. 2061) to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee of Homeland Security and Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2061

*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 "Former Charleston Naval Base Land Exchange Act of 2012".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **FEDERAL LAND.**—The term "Federal land" means the parcels consisting of approximately 10.499 acres of land (including improvements) that are owned by the United States, located on the former U.S. Naval Base Complex in North Charleston, South Carolina, and described on the map entitled "Charleston County Assessors Map" as Tax Map Number 400-00-00-004, with the deed recorded in the Charleston County RMC Office on Book X23, at page 245.】

(1) **FEDERAL LAND.**—*The term "Federal land" means the parcels consisting of approximately*

*10.499 acres of land (including improvements) that are owned by the United States, located on the former U.S. Naval Base Complex in North Charleston, South Carolina, and included within the Charleston County Tax Assessor's Office Tax Map Number 400-00-00-004, and shown as New Parcel B in that certain plat of Forsberg Engineering and Surveying Inc., dated May 25, 2007, entitled in part "Plat Showing the Subdivision of TMS 400-00-00-004 into Parcel B and Remaining Residual (Parcel A).*

(2) **NON-FEDERAL LAND.**—The term "non-Federal land" means the 3 parcels of land (including improvements) authorized to be conveyed to the United States under this Act.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Homeland Security.

(4) **STATE PORTS AUTHORITY.**—The term "State Ports Authority" means the South Carolina State Ports Authority, an agency of the State of South Carolina.

**SEC. 3. LAND EXCHANGE.**

(a) **LAND EXCHANGE.**—

(1) **IN GENERAL.**—In exchange for the conveyance to the Secretary, by quitclaim deed, of all right, title, and interest of the State Ports Authority to the non-Federal land owned by the State Ports Authority, the Secretary is authorized to convey to the State Ports Authority, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(2) **EXCHANGE.**—If the State Ports Authority offers to convey to the Secretary all right, title, and interest of the State Ports Authority in and to the non-Federal parcels identified in subsection (b), the Secretary—

(A) is authorized to accept the offer; and  
(B) on acceptance of the offer, shall simultaneously convey to the State Ports Authority all right, title, and interest of the United States in and to approximately 10.499 acres of Federal land.

【(b) **NON-FEDERAL LAND DESCRIBED.**—The non-Federal land (including improvements) to be conveyed under this section consists of—

(1) the approximately 18.736 acres of land that is owned by the State Ports Authority, located on S. Hobson Avenue, and depicted on the map entitled "Charleston County Assessors Map" as Tax Map Number 400-00-00-051, with the deed recorded in the Charleston County RMC Office in Book EL, at page 280;

(2) the approximately 4.069 acres of land that is owned by the State Ports Authority, located on Juneau Avenue and the Cooper River, and depicted on the map entitled "Charleston County Assessors Map" as Tax Map Number 400-00-00-004, with the deed recorded in the Charleston County RMC Office in Book L09, at page 0391; and

(3) the approximately 2.568 acres of land that is owned by the State Ports Authority, located on Partridge Avenue, and depicted on the map entitled "Charleston County Assessors Map" as Tax Map Number 400-00-00-004, with the deed recorded in the Charleston County RMC Office in Book L09, at page 0391.】

(b) **NON-FEDERAL LAND DESCRIBED.**—*The non-Federal land (including improvements) to be conveyed under this section consists of—*

(1) *the approximately 18.736 acres of land that is owned by the State Ports Authority, located on S. Hobson Avenue, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-158, and as New I-48.55 Parcel B, containing 18.736 acres, on the plat recorded in the Charleston County RMC Office in Plat Book EL, at page 280;*

(2) *the approximately 4.069 acres of land that is owned by the State Ports Authority, located on Thompson Avenue and the Cooper River, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number*

*400-00-00-156, and as New II-121.44 Parcel C, containing 4.069 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-393; and*

(3) *the approximately 2.568 acres of land that is owned by the State Ports Authority, located on Partridge Avenue, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-157, and as New II-121.44 Parcel B, containing 2.568 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-0393.*

(c) **LAND TITLE.**—Title to the non-Federal land conveyed to the Secretary under this section shall—

(1) be acceptable to the Secretary; and

(2) conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

**SEC. 4. EXCHANGE TERMS AND CONDITIONS.**

(a) **IN GENERAL.**—The conveyance of Federal land under section 3 shall be subject to—

(1) any valid existing rights; and  
(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) **COSTS.**—The costs of carrying out the exchange of land under section 3 shall be shared equally by the Secretary and the State Ports Authority.

(c) **EQUAL VALUE EXCHANGE.**—Notwithstanding the appraised value of the land exchanged under section 3, the values of the Federal and non-Federal land in the land exchange under section 3 shall be considered to be equal.

**SEC. 5. BOUNDARY ADJUSTMENT.**

On acceptance of title to the non-Federal land by the Secretary—

(1) the non-Federal land shall be added to and administered as part of the Federal Law Enforcement Training Center; and

(2) the boundaries of the Federal Law Enforcement Training Center shall be adjusted to exclude the exchanged Federal land.

Mr. DURBIN. I ask unanimous consent that the committee-reported amendments be agreed to, the bill as amended be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The committee amendments were agreed to.

The bill (S. 2061), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2061

*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 "Former Charleston Naval Base Land Exchange Act of 2012".

**SEC. 2. DEFINITIONS.**

In this Act:

(1) **FEDERAL LAND.**—The term "Federal land" means the parcels consisting of approximately 10.499 acres of land (including improvements) that are owned by the United States, located on the former U.S. Naval Base Complex in North Charleston, South Carolina, and included within the Charleston County Tax Assessor's Office Tax Map Number 400-00-00-004, and shown as New Parcel B in that certain plat of Forsberg Engineering

and Surveying Inc., dated May 25, 2007, entitled in part "Plat Showing the Subdivision of TMS 400-00-004 into Parcel B and Remaining Residual (Parcel A).

(2) NON-FEDERAL LAND.—The term "non-Federal land" means the 3 parcels of land (including improvements) authorized to be conveyed to the United States under this Act.

(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(4) STATE PORTS AUTHORITY.—The term "State Ports Authority" means the South Carolina State Ports Authority, an agency of the State of South Carolina.

### SEC. 3. LAND EXCHANGE.

#### (a) LAND EXCHANGE.—

(1) IN GENERAL.—In exchange for the conveyance to the Secretary, by quitclaim deed, of all right, title, and interest of the State Ports Authority to the non-Federal land owned by the State Ports Authority, the Secretary is authorized to convey to the State Ports Authority, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(2) EXCHANGE.—If the State Ports Authority offers to convey to the Secretary all right, title, and interest of the State Ports Authority in and to the non-Federal parcels identified in subsection (b), the Secretary—

(A) is authorized to accept the offer; and

(B) on acceptance of the offer, shall simultaneously convey to the State Ports Authority all right, title, and interest of the United States in and to approximately 10.499 acres of Federal land.

(b) NON-FEDERAL LAND DESCRIBED.—The non-Federal land (including improvements) to be conveyed under this section consists of—

(1) the approximately 18.736 acres of land that is owned by the State Ports Authority, located on S. Hobson Avenue, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-158, and as New I-48.55 Parcel B, containing 18.736 acres, on the plat recorded in the Charleston County RMC Office in Plat Book EL, at page 280;

(2) the approximately 4.069 acres of land that is owned by the State Ports Authority, located on Thompson Avenue and the Cooper River, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-156, and as New II-121.44 Parcel C, containing 4.069 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-393; and

(3) the approximately 2.568 acres of land that is owned by the State Ports Authority, located on Partridge Avenue, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-157, and as New II-121.44 Parcel B, containing 2.568 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-0393.

(c) LAND TITLE.—Title to the non-Federal land conveyed to the Secretary under this section shall—

(1) be acceptable to the Secretary; and

(2) conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

### SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) IN GENERAL.—The conveyance of Federal land under section 3 shall be subject to—

(1) any valid existing rights; and

(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) COSTS.—The costs of carrying out the exchange of land under section 3 shall be shared equally by the Secretary and the State Ports Authority.

(c) EQUAL VALUE EXCHANGE.—Notwithstanding the appraised value of the land exchanged under section 3, the values of the Federal and non-Federal land in the land exchange under section 3 shall be considered to be equal.

### SEC. 5. BOUNDARY ADJUSTMENT.

On acceptance of title to the non-Federal land by the Secretary—

(1) the non-Federal land shall be added to and administered as part of the Federal Law Enforcement Training Center; and

(2) the boundaries of the Federal Law Enforcement Training Center shall be adjusted to exclude the exchanged Federal land.

### RESOLUTIONS SUBMITTED TODAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 477, S. Res. 478, S. Res. 479, and S. Res. 480.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. DURBIN. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

#### S. RES. 477

(Calling for the safe and immediate return of Noor and Ramsay Bower to the United States)

Whereas Colin Bower's 2 young sons, Noor and Ramsay Bower, were illegally abducted from the United States by their mother in August 2009 and taken to Egypt;

Whereas Noor William Noble Bower, age 11, and Ramsay Maclean Bower, age 9, are citizens of the United States of America;

Whereas, on December 1, 2008, prior to the abduction of Noor and Ramsay, the Probate and Family Court of the Commonwealth of Massachusetts awarded sole legal custody of Noor and Ramsay to Colin Bower, and joint physical custody with Mirvat el Nady, which ruling stipulated Mirvat el Nady was not to remove Noor and Ramsay from the Commonwealth of Massachusetts;

Whereas, in August of 2009, following a violation of the Probate Court's ruling, the Massachusetts Trial Court granted sole physical custody of Noor and Ramsay to their father, Colin Bower;

Whereas Colin Bower has been granted only 4 visitations with his sons in the almost 3 years since the abduction;

Whereas the United States has expressed its commitment, through the Hague Convention on the Civil Aspects of International Child Abduction, done at the Hague October 25, 1980, "to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence"; and

Whereas the United States and 69 other countries that are partners to the Hague Convention on the Civil Aspects of International Child Abduction have agreed, and

encourage all other countries to concur, that the appropriate court for determining the best interests of children in custody matters is the court in the country of their habitual residence: Now therefore be it

*Resolved*, That the Senate calls on government officials and competent courts in Egypt to assist in the safe and immediate return of Noor and Ramsay Bower to the United States.

#### S. RES. 478

(Commemorating the 200th anniversary of the chartering of Hamilton College in Clinton, New York)

Whereas Hamilton College, located in Clinton, New York, received its charter from the Regents of the University of the State of New York on May 26, 1812, "for the instruction and education of youth, in the learned languages and liberal arts and sciences";

Whereas Hamilton College was originally founded in 1793 as the Hamilton-Oneida Academy by the Reverend Samuel Kirkland, a missionary to the Oneida Indians;

Whereas all-male Hamilton College joined with all-female Kirkland College in 1978 to form one coeducational institution of higher learning dedicated to academic freedom and the unfettered pursuit of truth;

Whereas the distinguished alumni of Hamilton College include recipients of the Nobel Peace Prize, the Presidential Medal of Freedom, and the Pulitzer Prize, and public servants at every level, including a former Vice President of the United States, United States Senators and Representatives, United States district and appellate court judges, members of the Presidential Cabinet, ambassadors, Governors, and State, county, and local officials; and

Whereas Hamilton College is currently comprised of 1,812 students from 49 states and 37 countries, and a faculty dedicated to teaching and the discovery and advancement of new knowledge: Now, therefore, be it

*Resolved*, That the Senate—

(1) commemorates the bicentennial of the chartering of Hamilton College in Clinton, New York; and

(2) honors the outstanding contributions made by the alumni, faculty, and students of Hamilton College during the past 200 years, including service to the United States that has fostered the development of the United States as a diplomatic force and industrial power in the world.

#### S. RES. 479

(Commemorating the dedication of the Strategic Air Command Memorial during the 20th anniversary of its stand down)

Whereas Strategic Air Command was formed on March 21, 1946, to provide the United States with long-range bombing capabilities;

Whereas Strategic Air Command operations were moved to Offutt Air Force Base in 1948 to avoid a surprise attack from the growing nuclear threat by the Soviet Union during the Cold War;

Whereas the men and women of Strategic Air Command perfected aerial refueling, allowing Strategic Air Command bombers to reach any spot in the world and advancing the ability of the United States to project military power worldwide;

Whereas in 1953, following the Korean War, the defense strategy of the United States shifted and President Eisenhower designated Strategic Air Command as the primary nuclear deterrent for the United States;

Whereas the Strategic Air Command played a major role in the triad of aircraft, missiles, and submarines that provided an undefeatable nuclear force that prevented nuclear war and kept the Soviet Union at bay until the demise of the Soviet Union in December 1991;

Whereas Strategic Air Command is credited with the development of the Snark, Atlas, and Minuteman missiles;

Whereas Strategic Air Command maintained continuous airborne alert operations from October 1957 until September 1991, which many consider the longest continuous military operation in history;

Whereas in 1962, the visibility of Strategic Air Command bombers responding to the DEFCON 2 order issued by President Kennedy during the Cuban Missile Crisis presented a clear indication to the Soviet Union of the determination of the United States to remove Soviet missiles from Cuba;

Whereas at its height in 1962, Strategic Air Command employed 283,000 personnel and maintained 3,400 aircraft and 224 land-based missiles;

Whereas in December 1972, 33 crewmembers and 10 B-52 bombers supported by Strategic Air Command were lost during Operation Linebacker II in North Vietnam during the aerial bombing campaign that forced Vietnamese leadership back to negotiations and a peace settlement;

Whereas the need for absolute command and control by national leaders led Strategic Air Command to organize the National Emergency Airborne Command Post operation, which became the National Airborne Operations Center and the E-4B aircraft operating at Offutt Air Force Base;

Whereas the operational practices and procedures for safe and secure nuclear weapons were established by Strategic Air Command and continue under the leadership of United States Strategic Command and Air Force Global Strike Command;

Whereas the Strategic Air Command performed the assigned mission flawlessly according to its famous motto, "Peace is Our Profession";

Whereas the United States, and particularly the State of Nebraska, is extremely grateful to those who served the United States at Strategic Air Command; and

Whereas the Senate recognizes the service and dedication of the individuals whose unyielding commitment and sacrifice contributed to the continued safety of the United States for over 4 decades: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 20th anniversary of the stand down of Strategic Air Command and the immeasurable contributions and prominent role of Strategic Air Command in national security and nuclear deterrence during the Cold War;

(2) commemorates the dedication of the Strategic Air Command Memorial in the State of Nebraska, which pays tribute to the men and women who worked tirelessly to make Strategic Air Command the most powerful and professional military organization in the world; and

(3) honors the personnel who served at Strategic Air Command and those who have carried on the tradition of excellence through service at United States Strategic Command.

S. RES. 480

(Commemorating the 20th anniversary of United States Strategic Command)

Whereas United States Strategic Command was established on June 1, 1992, to meet national security needs of the post-cold-war era by combining all strategic planning, targeting, and wartime employment of forces under one commander headquartered at Offutt Air Force Base in the State of Nebraska;

Whereas United States Strategic Command was reestablished in 2002 at Offutt Air Force Base, combining the responsibilities of United States Strategic Command and the

United States Space Command along with responsibility for early warning and defense against missile attack;

Whereas over the last 20 years, United States Strategic Command has flawlessly executed the mission to deter nuclear attacks and employ nuclear forces if necessary;

Whereas in 2010 the mission of United States Strategic Command expanded again to include cyberspace operations through United States Cyber Command, a subunified command;

Whereas United States Strategic Command provides continuous information regarding orbiting satellites and space debris to spacecraft such as the International Space Station;

Whereas United States Strategic Command has supported coalition forces in Iraq and Afghanistan by providing intelligence, planning, and cyber support;

Whereas United States Strategic Command contributed to United States operations in Libya through long-range conventional strikes and intelligence, surveillance, and reconnaissance;

Whereas United States Strategic Command continues to be the premier nuclear deterrent in the United States, serving as a center for global command and communications headquartered in the State of Nebraska; and

Whereas the United States, and particularly the State of Nebraska, is grateful to those who serve the United States at United States Strategic Command: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the 20th anniversary of the establishment of United States Strategic Command and the vital contributions of United States Strategic Command to national security; and

(2) honors the dedicated men and women who serve at United States Strategic Command executing the mission to deter and detect strategic attack against the United States and allies of the United States and to defend the nation as directed.

#### CELEBRATING THE 60TH ANNIVERSARY OF THE UNITED STATES-PHILIPPINES MUTUAL DEFENSE TREATY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 481, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 481) celebrating the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I know of no further debate on the resolution, and I call for a vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 481) was agreed to.

Mr. DURBIN. I ask unanimous consent that the preamble be agreed to and the motion to reconsider be laid upon the table.

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

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 481

Whereas Filipinos and Americans fought together in World War II, and an estimated 1,000,000 Filipinos gave their lives to defend freedom;

Whereas the United States and the Republic of the Philippines signed the United States-Philippines Mutual Defense Treaty in 1951;

Whereas the Philippines and the United States are longstanding allies, as demonstrated by the Mutual Defense Treaty, cooperation in conflicts since World War II, and the United States designation of the Philippines as a Major Non-NATO Ally;

Whereas the Clark Veterans Cemetery in the Philippines is the final resting place for the remains of thousands of United States and Filipino veterans from the United States Army, United States Marines Corps, United States Navy, United States Air Force, United States Coast Guard, Philippine Scouts, and their dependents from seven wars since 1900;

Whereas the United States Government administered and cared for the Clark Veterans Cemetery from 1900 to 1991;

Whereas the United States Government seeks to maintain an alliance with the Government of the Philippines that promotes peace and stability in Southeast and East Asia, rule of law and human rights, economic growth, counter-terrorism efforts, and maritime security;

Whereas United States naval ships visit Philippines' ports, and the United States and Philippines' military forces participate in combined military exercises under the Visiting Forces Agreement established in 1998;

Whereas the people and Governments of the United States and the Philippines share a common interest in maintaining freedom of navigation, unimpeded lawful commerce, and transit of people across the seas and subscribe to a rules-based approach in resolving competing claims in maritime areas through peaceful, collaborative, multilateral, and diplomatic processes within the framework of international law;

Whereas the Philippines has served ably for the past three years as the Association of Southeast Asian Nations (ASEAN) country coordinator for the United States;

Whereas the United States Government and the Government of the Philippines work closely together in the struggle against terrorism to make local communities safer and help establish an environment conducive to good governance and development;

Whereas the navy of the Government of the Philippines has received a United States Coast Guard cutter and assistance in establishing a coastal radar system to enhance its monitoring of its waters, with a second cutter due to be transferred soon;

Whereas the United States Government works closely with the Government of the Philippines on humanitarian and disaster relief activities, and in the past has provided prompt assistance to make United States troops, equipment, assets, and disaster relief assistance available;

Whereas the Mutual Defense Board and the Security Engagement Board serve as important platforms for the continuing stability of the long-standing alliance between the Philippines and the United States in a rapidly changing global and regional environment;

Whereas the Bilateral Security Dialogue is an important policy venue for setting the policy direction and providing guidance for all aspects of the alliance relationship;

Whereas Philippines military forces have supported over the years many United Nations peacekeeping operations worldwide;

Whereas the United States ranks as one of the Philippines' top trading partners, with 11 percent of the Philippines' imports coming from the United States and 15 percent of exports from the Philippines delivered to the United States in 2010;

Whereas total United States foreign direct investment in the Philippines was approximately \$7,000,000,000 at the end of 2009;

Whereas the Philippines is one of four countries that has been invited to participate in the new Partnership for Growth Initiative, which promotes broad-based economic growth in emerging markets;

Whereas many Americans and Filipinos have participated in people-to-people programs such as the Peace Corps, the International Visitor Leadership Programs, the Aquino Fellowship, Eisenhower Fellowships, and the Fulbright Scholar Program;

Whereas an estimated 4,000,000 people living in the United States are of Filipino ancestry, over 300,000 United States citizens live in the Philippines, and an estimated 600,000 United States citizens travel to the Philippines each year;

Whereas the U.S.-Philippines Society was recently established to broaden and expand interaction between and understanding of the United States and the Philippines in the areas of security, trade, investments, tourism, the environment, history, education, and culture;

Whereas the alliance between the United States and the Philippines is founded on core values that aim to promote and preserve democracy, freedom, peace, and justice, and is fortified by the two nations' partnerships in defending these values;

Whereas the Government of the Philippines seeks to improve governance, strengthen the rule of law, and further develop accountable, democratic institutions that can better safeguard human rights, secure justice, and promote equitable economic development;

Whereas His Excellency Benigno S. Aquino III, President of the Republic of the Philippines, is scheduled to visit the United States in June 2012; and

Whereas Secretary of State Hillary Clinton and Secretary of Defense Leon Panetta met with their Philippine counterparts in Washington, D.C. on April 30, 2012, and reaffirmed that the United States and the Philippines are longstanding allies, that the United States Government is fully committed to honoring mutual obligations with the Philippines, and that the alliance continues to serve as a pillar of the Philippines-United States relationship and a source of stability in the region; Now, therefore, be it

*Resolved*, That—

(1) the Senate—

(A) celebrates the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship;

(B) confirms the alliance's centrality and enduring value as one of the key pillars of peace, stability, and prosperity in the Asia-Pacific region and as a key tool in address-

ing the emerging security environment in the region; and

(C) encourages both countries to continue high-level consultations; and

(2) it is the sense of the Senate that—

(A) the United States Government should use the U.S.-Philippines Bilateral Security Dialogue and the Mutual Defense Board and Security Engagement Board to promote greater alliance cooperation and enhance bilateral security ties, including support for Philippine defense modernization, for the rotational presence of United States Armed Forces in the Philippines and for increased humanitarian and disaster relief preparedness activities;

(B) the United States Government should redouble efforts to expand and deepen the economic relationship with the Government of the Philippines toward achieving broad-based economic development in that country, including by working on new bilateral initiatives that support the efforts of the Government of the Philippines to reform its economy and enhance its competitiveness, and through trade-capacity building;

(C) the Government of the Philippines should continue its efforts to strengthen its democratic institutions to fight corruption, curtail politically motivated violence and extrajudicial killings, expand economic opportunity, and tackle internal security challenges;

(D) after close consultation with the Government of the Philippines, the United States Government should designate an appropriate United States entity to be responsible for making necessary arrangements to ensure ongoing maintenance of Clark Veterans Cemetery in the Philippines; and

(E) the United States Government should continue efforts to assist the Government of the Philippines in the areas of maritime security, maritime domain awareness, humanitarian assistance and disaster relief, and related communications infrastructure to enable enhanced information-sharing and overall military professionalization.

#### AUTHORIZING THE USE OF EMANCIPATION HALL

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Con. Res. 45, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant bill clerk read as follows:

A concurrent resolution (S. Con. Res. 45) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be

laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 45) was agreed to, as follows:

S. CON. RES. 45

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO AWARD THE CONGRESSIONAL GOLD MEDAL.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used for an event on June 27, 2012, to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

#### ORDERS FOR WEDNESDAY, JUNE 6, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 6, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and the majority leader be recognized; that following the remarks of the majority leader and those of the Republican leader, the next hour be equally divided and controlled between the two leaders, with the Republicans controlling the first half and the majority controlling the final half.

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

#### PROGRAM

Mr. DURBIN. It is the majority leader's intention to resume consideration of S. 3240, the farm bill. We hope we can begin consideration of the bill during tomorrow's session.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. 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 6:04 p.m., adjourned until Wednesday, June 6, 2012, at 9:30 a.m.

## EXTENSIONS OF REMARKS

RECOGNIZING THE ACHIEVEMENTS OF THE ROCHESTER GIRL SCOUT TECH TEAM, THE HIPPIE PANDAS

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Ms. SLAUGHTER. Mr. Speaker, it is my esteemed honor and privilege to congratulate the Girl Scout tech team, known as the Hippie Pandas, who participated in the FIRST 2012 Championship—a celebration of science, technology, and robots involving more than 600 student teams from 32 countries around the world. For their innovative work and outstanding professionalism, the Hippie Pandas of Rochester, New York, were awarded the “Gracious Professionalism Award.”

As someone who places great value on science and technology, I am so pleased to see the tremendous success of these four girls from Rochester, New York. The Hippie Pandas, aged 11–14, are not only an inspiration for Science, Technology, Engineering, and Math (STEM) education for girls around the country, but they have also found a creative way to help communities in Nicaragua.

After learning that women in Nicaragua experience a high rate of miscarriage and disease because they drink unpasteurized milk, the Hippie Pandas set out to use their skills to develop an inexpensive and accessible solution to address this pressing problem. With the help of their coach and mentor, Cheryl Lawniczak, a chemical engineer at Eastman Kodak Co, and faculty members at the Rochester Institute of Technology, the girls designed and built a solar powered device to heat milk to 145 degrees to kill harmful bacteria.

The Hippie Pandas initially used a thermometer to determine when the milk reached target temperature, but realizing this would be impractical for most Nicaraguan women, they developed a clever and natural alternative—beeswax, which melts when milk has reached 145 degrees.

This solar powered milk pasteurizing device is currently being implemented in Nicaragua to help women treat raw milk so that it is safe to drink. As one of the Hippie Pandas stated, “One thing we definitely learned is how dangerous raw milk can be and how pasteurization helps. . . We also learned that as kids, we can help people around the world to live safer lives.”

At a time when we as a nation have fallen behind in STEM education, the success of the Hippie Pandas is truly inspirational. The life lessons of teamwork, leadership, and dedication can only be learned through hard work and experience.

Mr. Speaker, I ask my colleagues to join me in congratulating each of these girls along with their mentors at Rochester Institute of Technology and Eastman Kodak Co. for their innovative work and dedication to science and technology.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2013

SPEECH OF

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 31, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5743) to authorize appropriations for fiscal year 2013 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes:

Ms. LEE of California. Mr. Chair, I was unable to speak during last week’s floor debate on the FY13 Intelligence bill—the following is the statement I would have made before the amendment was adopted by voice vote:

First, let me thank my esteemed colleague Congressman JOHN CONYERS for giving me the opportunity to speak on this important amendment.

I would also like to recognize Congressman KEITH ELLISON who has been an outstanding leader on issues affecting the Middle East.

Mr. Chair, first let me say unequivocally that we can all agree that we must work to prevent an Iran armed with nuclear weapons—which would never be acceptable.

That is not what this amendment is about, this amendment is noncontroversial.

This amendment is really just about common sense.

It would simply require that the National Intelligence Director give Congress a report outlining their assessment of the consequences of launching a military strike against Iran.

This amendment is necessary because, once again, we have saber rattling voices who are beating the war drum.

If we have learned anything from the past ten years, it is that we have to be deliberate, be thoughtful, be careful, and know exactly what we are getting ourselves into before we launch another war in the Middle East.

These decisions should not be taken lightly, and they must be based on sound reasoning, and the best information, and the best intelligence.

We have a duty to our brave men and women in uniform who have sacrificed so much during the past decade of war to have an informed debate about the consequences of military action.

I urge you to vote “yes” on this amendment.

HONORING ROBERT M. CHUR OF WESTERN NEW YORK

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. HIGGINS. Mr. Speaker, I rise today to honor the extraordinary career of Robert M.

Chur, the Chief Executive Officer and majority shareholder of 19 independent, assisted living and skilled nursing companies in my home community of Western New York.

These combined entities, which represent Bob’s hard work and dedication to service, currently employ 2,800 full and part-time employees, and care for more than 5,000 people each year throughout the Western and Central New York area.

Before beginning his outstanding career, Bob served as a Captain in the United States Marine Corps. He earned a Bachelor of Science in Mathematics from St. Lawrence University, and received his MBA in Marketing Management from Syracuse University.

Remarkably, Bob has been affiliated with over 25 organizations throughout his career; sitting on various Boards of Directors, and serving as Chairman, President, and holding many other esteemed positions.

Bob has also received numerous awards for his service including his 2004 Health Care Hero for Lifetime Achievement award from Business First of Buffalo, and his 2010 ACHA Gold Award for Quality from ElderWood Health Care at Wedgewood.

Nine of Bob’s skilled facilities and five of his assisted living facilities have earned the Bronze and Silver Awards for Quality from the American Health Care Association. As a result, it comes as little surprise that in 2012 Robert was named one of Western New York’s most influential business leaders by Buffalo Business First.

It is very easy to see why Bob’s facilities have won many accolades over the years. In late April, I was proud to visit one of Bob’s facilities, Westwood Village, located in West Seneca, New York, as they welcomed their 1,000th resident, and Bob’s company’s success was self-evident: they care for people in the most dignified and respectful manner, assisting seniors as they transition through new chapters of their lives. Bob’s facilities are not “nursing homes,” in the traditional use of that term. Bob, his family and staff members work as hard as they can to simply make his facilities home for the many thousands of Western New Yorkers whom they serve.

Mr. Speaker, it is with great pride that I rise to honor Bob Chur on his exemplary career and celebrate his retirement. I thank him for his warm friendship and for his dedicated service to his country and to his community. I know that you and all of our colleagues join with me in wishing Bob good health and the best of luck in his future endeavors.

SALVATORE INGRALDI TRIBUTE

**HON. SCOTT R. TIPTON**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. TIPTON. Mr. Speaker, I rise today to recognize Salvatore Ingraldi of Colorado Springs, Colorado. Mr. Ingraldi is a proud

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

American, who served in the Air Force for 24½ years. He joined the Air Force as a Security Policeman, and after a distinguished career retired as a Chief Master Sergeant.

Following his retirement, Mr. Ingraldi's enthusiasm and belief that it is our duty to honor WWII Veterans inspired him to found an Honor Flight Hub, in Southern Colorado, and he was subsequently voted President of the organization. It is through Mr. Ingraldi's passion and leadership that the Honor Flight Hub will be sponsoring its first trip to Washington, DC.

Because of Mr. Ingraldi's efforts, four WWII Veterans who without the help of the Honor Flight Hub would not have been able to come to our nation's capital, will now be able to pay respects to their fallen comrades at the national WWII Memorial.

Mr. Speaker, it is an honor to recognize Mr. Ingraldi for his great service to our country and its veterans. Through Mr. Ingraldi's hard work the Honor Flight Hub, in Southern Colorado, will continue to give WWII Veterans the opportunity to visit and reflect at their memorial.

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PRENATAL NONDISCRIMINATION  
ACT (PRENDA) of 2012

SPEECH OF

**HON. MARTHA ROBY**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 30, 2012*

Mrs. ROBY. Mr. Speaker, I rise today to express my strong support for H.R. 3541, The Prenatal Nondiscrimination Act, of which I am a proud co-sponsor. This bill would criminalize the performance of an abortion based solely on the sex of the unborn child.

As you know, on May 31, 2012, the House of Representatives failed to approve H.R. 3541 by a vote of 168-246. I was necessarily absent from Washington on the day of this vote due to the death of a close personal friend. Had I been present, I would have proudly supported the passage of H.R. 3541.

I am unapologetically pro-life and am proud to be a member of the Pro-Life Caucus. I believe that the miracle of human life begins at the very moment of conception. I also believe that every human being, both male and female, has the inherent right to life and that this right must be protected by law.

Throughout my tenure in Congress, I will continue to do everything in my power to fight for the unborn, prevent taxpayer money from funding abortions, and to protect our democratic system from the encroachment of an all-powerful judiciary. As a woman, a wife, and a mother of two small children, I will continue to fight for the life of every child—regardless of their gender.

Mr. Speaker, I take my responsibilities as a member of this chamber seriously, and I regret ever having to miss a vote. I am pleased that my attendance record during the 112th Congress remains above 99 percent.

HONORING THE LIFE OF ANTONIO  
S. RESTAINO, JR.

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. HIGGINS. Mr. Speaker, I rise today to honor the extraordinary life and legacy of Antonio S. Restaino, Jr., who passed away on Sunday June 3, 2012 at the age of 78.

Mr. Restaino was born in Niagara Falls in 1934 to the late Antonio and Pasqualina Restaino, where he attended local schools until he began his service in the United States Air Force in 1951. Antonio served his country during the Korean War until his honorable discharge on November 5th, 1953.

After returning home from his service in the Air Force, Mr. Restaino married Rose M. (Morreale) Restaino in Our Lady of Mt. Carmel Church in Niagara Falls on June 11th, 1955.

Mr. Restaino began his career working at Bell Aircraft before he was hired by the City of Niagara Falls in 1958 and promoted to the position of Supervisor of Construction and Maintenance in the Sewer & Water Department. In April 1987, he was appointed Deputy Director of the Niagara Falls Convention Center, and in 1988 was assigned to the Niagara Falls Waste Water Treatment Plant as Chief of Buildings & Grounds where he served until his retirement in October 1988.

In addition to his wife of fifty years, Mr. Restaino is survived by his children, grandchildren, sisters and a large and loving extended family. But Mr. Restaino enjoyed a relationship with another extended family—the good people of the city of Niagara Falls.

Following his retirement, Mr. Restaino remained a very active and effective contributing member of his beloved hometown community. He garnered much praise for his work with local organizations and received many awards for his service, which included a 1993 award for Outstanding Service from the Niagara Falls Democratic Committee, a 2004 Diocese of Buffalo Lay Award of St. Joseph the Worker, and a 2010 Cittadini Speciali, "Special Citizen" Award from the Pine Avenue Business Association.

Mr. Speaker, I ask that you join with me and with members of the House to express our deepest condolences to the family of the late Antonio S. Restaino, Jr., and join with me in recognizing the many good works he performed during his long and full life. May he rest in peace, and may his family know and understand the tremendous impact that Mr. Restaino had on the city, state and country that he loved so much.

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MAX WATSON

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Max Watson for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Max Watson is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Max Watson is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Max Watson for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

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SECURE BORDER ACT OF 2011

SPEECH OF

**HON. PETER T. KING**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 30, 2012*

Mr. KING of New York. Mr. Speaker, I am submitting the following letter exchange between myself and Chairman DAVE CAMP of the House Committee on Ways and Means.

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, June 5, 2012.

Hon. DAVE CAMP,

Chairman, Committee on Ways and Means,  
Longworth House Office Building,  
Washington, DC.

DEAR CHAIRMAN CAMP, Thank you for your letter regarding H.R. 1299, the "Secure Border Act of 2011." I acknowledge that by forgoing action on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation. The Committee on Ways and Means is considered to be an "appropriate congressional committee" in regards to the reports required by H.R. 1299 with respect to resource allocation for staffing requirements and the level of manpower data available as all ports of entry.

I will include our letters on H.R. 1299 in the Congressional Record, and I appreciate your cooperation regarding this legislation. I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

PETER T. KING,  
Chairman.

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U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, June 1, 2012.

Hon. PETER KING,

Chairman, Committee on Homeland Security,  
U.S. House of Representatives, H2-176 Ford  
House Office Building, Washington, DC.

DEAR CHAIRMAN KING. I am writing to you concerning the bill H.R. 1299, the "Secure Border Act of 2011." This legislation includes several provisions that pertain to the jurisdiction of the Committee on Ways & Means with respect to Customs and Border Protection staffing requirements and commercial traffic.

The Committee recognizes the importance of H.R. 1299 and the need to move expeditiously. Therefore, the Committee is willing to forego action on the bill with the understanding that by doing so, the Committee is



not in any way prejudiced with respect to its jurisdictional prerogatives or the appointment of conferees on this or similar legislation.

In addition, I ask that the Ways & Means Committee be included within the definition of "appropriate congressional committee" so that it will receive the report required in subsections 2(e)(1) and (2) of the bill with respect to resource allocation for staffing requirements as well as the report on the level of manpower data available at all ports of entry.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1299, and would ask that a copy of our exchange of letters on this matter be included in the CONGRESSIONAL RECORD.

Sincerely,

DAVE CAMP,  
Chairman,  
Committee on Ways and Means.

Enclosures.

#### TRIBUTE TO MILITARY FAMILIES

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. WILSON of South Carolina. Mr. Speaker, on May 30 *The Times and Democrat* of Orangeburg, SC, published a thoughtful tribute to military families. As chairman of the Military Personnel subcommittee of the Armed Services Committee, but more importantly as the grateful dad of four sons currently serving in our military I appreciate the message.

#### NEEDS OF MILITARY FAMILIES MUST NOT BE OVERLOOKED

With Monday's Memorial Day gathering at the Vietnam Veterans Memorial Wall in Washington, the United States officially begins its observance of the 50th anniversary of the Vietnam War, paying tribute to the 3 million men and women who served during one of the most challenging missions this country has ever faced.

As we remember the military personnel who fell in Vietnam and those who lived to return home, we should also remember the families of our servicemen and women, the challenges they face and the courage they display.

Stressors confronting military families were identified in the 2012 Blue Star Families Military Family Lifestyle Survey released earlier this month.

"The families of America's men and women in uniform are the backbone of the United States military," U.S. Senator Richard Burr, R-N.C., said at a joint session of the Senate and House Military Family caucuses when the Survey results were presented.

"They provide the support that our servicemen and women rely upon as they serve in the finest armed forces in the world, and the more information we have about their unique situations, the better equipped we will be to accurately target assistance and support for them. This survey will help us identify and provide the kind of support they need and deserve."

The survey, which details the challenges faced by military families after more than a decade of continuous war, and the way families and service members are coping, found that among the key concerns are: pay/benefits, with specific emphasis on changes to retirement benefits; the effects of deployment on children; military spouse employment;

and issues surrounding post-traumatic stress, combat stress and traumatic brain injury.

The survey found that 62 percent of respondents who felt their service member had exhibited signs of post-traumatic stress, regardless of any official diagnosis, said the person did not seek treatment, demonstrating there is still much to be done to help service members and their families "cope with the invisible wounds of war."

Frequent separation, the subsequent predeployment and reintegration processes and the issues surrounding frequent relocation place added pressures on military families—those of National Guard and Reserve service members as well as active duty—who also have to deal with the same issues as other families, including balancing work and family, parenting, education and maintaining healthy relationships

According to the survey, since September 11, 2001, more than 2 million service members have been deployed, with a large percentage of those serving multiple deployments—some as many as five tours of duty.

That is a huge period of time for families to have to be apart, representing many missed birthdays, holidays, graduations and other major milestones in the lives of families.

The survey also noted that although service members themselves are surviving head trauma and other catastrophic injuries their predecessors did not because of the vast improvements in medical technology, "those injuries, both physical and non-physical, have an impact on the family unit and are additional and substantial stressors upon a small segment of the population as well as the agencies and community organizations designed to support them."

We must never forget the sacrifices our military families make—the worries, the fears, the loneliness they endure—while their loved ones serve and protect this nation across the globe.

"Often, when discussing our nation's armed forces, we tend to focus primarily on our brave service members who put themselves in harm's way to protect the freedoms we cherish," U.S. Representative Sanford Bishop, D-GA, said when the Blue Star Families survey results were presented. "However, we cannot forget that the families they leave behind sacrifice just as much as our heroes who deploy on missions for our country. These families are impacted in countless ways—seen and unseen—and we have an obligation to do right by them. The Blue Star Families survey will serve as an informative guide on what we can do as a nation to ensure that our troops, veterans and their families have the support they need."

The full survey report is available at <http://bluestarfam.org/2012survey>.

NANCY RODRIGUEZ

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Nancy Rodriguez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Nancy Rodriguez is a 12th grader at Jefferson Senior High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Nancy Rodriguez is exemplary of the type of achieve-

ment that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Nancy Rodriguez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### HONORING THE WOODBURY ROTARY PARK MEMORIAL WALKWAY

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the Woodbury Rotary Park's Memorial Walkway in Woodbury, NJ. This memorial is a special tribute to the unsung heroes who assisted the American war effort in both times of war and peace.

Construction of the walkway would not have been possible without the extraordinary efforts of The Rotary Club's Herbert A. Budd, Jr. A member since 1959 and two-time president of the organization, Mr. Budd raised \$20,000 for the memorial's creation. Mr. Budd's hard work was aided by the contributions of those in the community whom I proudly recognize as playing a critical role in the memorial's construction.

This memorial, featuring an engraved recognition of all who served, reminds us all that "Some gave all, all gave some." This monument serves to honor those who worked behind the scenes to give us a strong foundation upon which our forces relied.

Mr. Speaker, the Rotary Club, particularly Mr. Budd, and the surrounding community should be applauded for their efforts and commitment in building this memorial. This memorial represents the crucial role of the American people who have gone unannounced in serving America's forces. I encourage all of my constituents to visit this memorial and peacefully reflect upon such invaluable service.

#### CARIBBEAN AMERICAN HERITAGE MONTH

### HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. ENGEL. Mr. Speaker, I rise to celebrate Caribbean American Heritage Month. The area I represent, the 17th District in New York, which comprises areas of the Bronx, Westchester, and Rockland Counties, is home to a significant Caribbean American population that contributes to our State through local businesses, community development and its rich diversity. It has been an honor to learn about the various countries in the Caribbean from where these families come, to experience their cultures, and to observe as they participate fully in all aspects of American society.

My support for Caribbean Americans extends well past the boundaries of my district.

As the Ranking Member and former Chairman of the House Subcommittee on the Western Hemisphere, I have visited many Caribbean countries and have learned the importance of the region to the United States and the entire Western Hemisphere. In fact, last year I wrote an amendment, which passed the Foreign Affairs Committee unanimously, urging the State Department to place U.S. Embassies in five Caribbean countries that are without a permanent diplomatic post. I strongly believe that bolstering U.S.-Caribbean relations needs to be a priority, and opening these embassies would benefit U.S. ties with the entire region. I also had the honor of joining President Obama earlier this year at the Summit of the Americas where we reinforced our dedication to the Caribbean and, last year, had the unique experience of traveling with a delegation of Caribbean ministers to Israel.

My time spent with my Caribbean American constituents and in the great countries that make up the Caribbean has helped me to truly appreciate the influence of Caribbean culture on the U.S. This June, I am pleased to take this opportunity to commemorate Caribbean Americans Heritage Month, and look forward to a future of working closely with the Caribbean American community ensure positive cross-cultural relations.

HONORING ISRAEL SOTO, LEADING  
EDUCATOR

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. RANGEL. Mr. Speaker, today I rise to recognize a great force in the education of our children, Israel Soto, principal of PS/MS 57. He is retiring after a long career in public service. Mr. Soto got his start in education teaching in Washington Heights, in my congressional district. As a Puerto Rican immigrant, he has taken an active role in bilingual education, having served as a school Bilingual Coordinator and Assistant Director of Bilingual Education.

In 1999, Mr. Soto ascended to principal of PS/MS 57, a pre-K-8 school in East Harlem. Last year, 67 percent of enrollees were Hispanic or Latino. Mr. Soto's expertise in bilingual education and the fact that his second language was English, like many of the school's students, made him an ideal choice for principal. His talents extend to all facets of education, however. Under his leadership, PS/MS 57 has gone from a near-failing school to one that received a grade of "A" in its latest Progress Report and is ranked in the 93rd percentile of all New York City K-8 schools.

Mr. Soto has deservedly received numerous awards during his tenure as principal. In 2001, he was named "Principal of the Month" in his school district and in 2004 was recognized as the "Educator of the Week" by Channel 41. He has also been inducted into the "Calm Fellows Program for Distinguished Principals" at Columbia University as well as being honored by Children 4 Children, the YMCA of New York, the New York Post and El Diario La Prensa.

Mr. Soto's work at PS/MS 57 serves as a model for current and future educators. He has built strong partnerships with teachers,

parents, community organizations and the private sector while keeping his focus internal, on his students. This outreach has significantly increased the academic resources available to his students and demonstrates the supreme importance of an active and charismatic principal such as Mr. Soto.

Mr. Speaker, I ask that you and my colleagues join me in honoring a great man and an impassioned educator who, first and foremost, believes in all of our extraordinary children.

MELANIE KURTZ

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Melanie Kurtz for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Melanie Kurtz is an 8th grader at Oberon Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Melanie Kurtz is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Melanie Kurtz for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

TO AMEND THE NATIONAL COMMUNITY SERVICE ACT OF 1990 TO MAKE CERTAIN UNITED STATES TERRITORIES ELIGIBLE FOR NONPROFIT CAPACITY BUILDING GRANTS UNDER THAT ACT

**HON. GREGORIO KILILI CAMACHO  
SABLAN**

OF THE NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. SABLAN. Mr. Speaker, today, I am introducing legislation that will amend the National and Community Service Act, as amended by the Edward M. Kennedy Serve America Act, to make the Commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands eligible for the Nonprofit Capacity Building Grants under that Act.

The Nonprofit Capacity Building Grant Program awards intermediary nonprofit organizations with funding to provide development training to small and mid-sized nonprofits on best practices, financial planning, grant writing, and compliance with applicable tax laws.

In my district, we have hard working nonprofit organizations and advocates who commit themselves to truly noble causes. Whether it is the protection of families from domestic violence or raising funds to find a cure for cancer, nonprofits work tirelessly for the greater

good of all members of our community. The technical correction I offer here today would allow organizations in the Northern Marianas and other U.S. territories an equal opportunity to apply for federal funds to increase the effectiveness of nonprofits and to expand their impact within their communities.

I urge my colleagues to support this bill and allow the U.S. territories an equal opportunity to compete for this program.

FOOD AND DRUG ADMINISTRATION  
REFORM ACT OF 2012

SPEECH OF

**HON. CLIFF STEARNS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 30, 2012*

Mr. STEARNS. Mr. Speaker, the Food and Drug Administration Reform Act, H.R. 5651, is based on user fee negotiations between FDA and the prescription drug, generic drug, biologic, and medical device industry. This reauthorization of the FDA user fees will provide stability with FDA's new product review as companies submit new and innovative devices and drugs for approval.

In codifying the User Fee Agreement, this committee has included additional provisions designed to address some of the defects of the regulatory structure and overreach by the FDA. Under my Chairmanship of the Oversight and Investigation Subcommittee, we held a hearing into FDA's regulatory efforts in the medical device space. During our hearing, many of the witnesses talked about the reluctance of FDA to approve devices and how FDA continually moved the goalposts for approval. I am glad that Title VII of this bill includes a significant number of reform provisions designed to bring certainty to the medical device field.

In addition to reforming approaches to medical devices through Title VII, the FDA's approach to rare diseases must also be modernized. I'm happy the Committee included the Faster Access to Specialized Treatments Act, FAST Act, H.R. 4132, which I introduced with my friend and colleague, Representative ED TOWNS. FAST updates and modernizes Section 506 of the Food, Drug & Cosmetic Act, and updates the Accelerated Approval statute to reflect two decades worth of medical sciences that has occurred since Accelerated Approval was first created. FAST will help FDA implement broadly effective processes for the expedited development and review of innovative new medicines intended to address unmet medical needs for serious or life-threatening diseases by using modern scientific tools.

The use of surrogate endpoints may result in fewer, smaller or shorter clinical trials without compromising FDA's existing high standards for safety or efficacy. Surrogate and clinical endpoints only need to be reasonable predictors of clinical benefit to support accelerated approval. They do not need to be validated or proven first. The changes made to current law permitting the Secretary to require validation of surrogates following accelerated approval is not intended to change FDA's long history of granting accelerated approval based on unvalidated, but predictive, surrogate endpoints.

Additionally, FAST includes explicit language for FDA to think about the challenges of rare diseases when developing their guidance and gives the rare disease community an opportunity to publically comment on FDA's draft guidance. FAST ensures that the voices of the 30 million Americans with a rare disease will be heard by FDA. There are about 7,000 rare diseases and only about 250 have any treatment. FAST will save lives, and give a voice to the voiceless; and I am glad it is in the bill.

Lastly, the committee included the Expanding and Promoting Expertise in Review of Rare Treatments, EXPERRT Act, H.R. 4156, a bill my fellow Co-Chairs of the Cystic Fibrosis Caucus and I introduced. EXPERRT will have the FDA consult with experts in rare diseases. This will ensure that FDA has access to the knowledge needed when dealing with drug approvals for diseases where FDA may lack subject matter expertise. As one of the Co-Founders of the Cystic Fibrosis Caucus, I am glad that we are giving this tool to the FDA.

I'd like to submit this letter of support for FAST signed by over 150 rare disease groups into the RECORD.

H.R. 5651 is a good bill that will help new drugs and new medicines get into the market and be available to patients. I support passage of the FDA Reform Act.

MARCH 23, 2012.

Hon. CLIFF STEARNS,  
*House of Representatives, Rayburn House Office Building, Washington, DC.*

Hon. EDOLPHUS TOWNS,  
*House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMEN STEARNS & TOWNS: On behalf of patients, physicians, and other members of the health advocacy community we are writing to express our support for H.R. 4132, the Faster Access to Specialized Treatments (FAST) Act. This legislation will modernize and expand the FDA's Accelerated Approval pathway to encompass a broader range of diseases and leverage 21st century drug development tools and strategies. This reform will speed the approval of much-needed therapies and cures to patients who are facing serious and life-threatening conditions, including Alzheimer's disease, autoimmune diseases, multiple sclerosis, Parkinson's disease, neuromuscular disease and hundreds of rare diseases that remain untreated.

We commend you for championing legislation that maintains the FDA's high standard for approval while at the same time ensuring the Agency can help facilitate the development of new and novel therapies to patients in a more timely manner. In many cases our patients have no available treatment for their diseases, or they are using a therapy that is older and may not work as effectively and safely. This is not acceptable. We believe that this legislation will ensure patients receive the best, modern treatment as soon as possible and we applaud your efforts on their behalf.

Thank you for your leadership on this important bill and we look forward to working with you as it moves forward.

Sincerely,

Abigail Alliance for Better Access to Developmental Drugs; Advocacy for Patients with Chronic Illness, Inc.; Affiliated American CSA Foundation; Alliance for Aging Research; Alliance for Patient Access; American Autoimmune Related Diseases Association; American Brain Tumor Association; American Childhood Cancer Organization; American College of Medical Genetics;

American Institute for Medical and Biological Engineering; American Society of Clinical Psychopharmacology; Batten Disease Support and Research Association; Break Through Cancer Coalition; Californians for Cures.

Celiac Disease Center at Columbia University; Celiac Sprue Association; Charcot-Marie-Tooth Association (CMTA); Children's Cardiomyopathy Foundation, Inc.; Chinese American Association of Greater Chicago; Coalition Duchenne; Coalition for Pulmonary Fibrosis; Colon Cancer Alliance; Cooleys Anemia Foundation; Crohn's and Colitis Foundation of America; Cryoglobulinemia Vasculitis Organization; CureDuchenne; CurePSP; Digestive Disease National Coalition; Erik Metzler Foundation.

EveryLife Foundation for Rare Diseases; Fabry Support & Information Group; Georgia PKU Connect; GIST Support International; Hadley Hope Fund; Hannah's Hope Fund; Hayden's Batten Disease Foundation Inc.; HealthHIV; Hope4Bridget Foundation; ICE Epilepsy Alliance; I Have IH; In Need of Diagnosis, Inc. (INOD); Inspire; International Cancer Advocacy Network (ICAN); Jacob's Cure, Inc.

Jain Foundation Inc.; Jonah's Just Begun—Foundation to Cure Sanfilippo Inc. LAM Treatment Alliance; LGS Foundation; Liddy Shriver Sarcoma Initiative; Little Miss Hannah Foundation; Lung Cancer Alliance; Lupus Foundation of America; Lymphangiomas & Gorham's Disease Alliance (LGDA); Lymphatic Malformation Institute (LMI); Macular Degeneration Support, Inc. Madisons Foundation; Midwest Asian Health Association (MAHA); MLD Foundation; Mpdsupport.org—Myeloproliferative Disease Support; Muscular Dystrophy Association.

National Family Caregivers Association; National MPS Society; National MS Society; National Niemann-Pick Disease Foundation, Inc.; National PKU Alliance; National Tay-Sachs & Allied Diseases Association; National Venture Capital Association; NBIA Disorders Association; New Jersey Association for Biomedical Research; NKH International Family Network; Noah's Hope—Batten Disease Fund; Oxalosis and Hyperoxaluria Foundation; Pachyonychia Congenita Project.

Parkinson's Action Network; Parry-Romberg Syndrome Resource, Inc.; Partnership for Cures; Polycystic Kidney Disease Foundation; RARE Project; Russell-Silver Syndrome Support; Scleroderma Research Foundation; Sickle Cell Disease Association of America, Inc.; Society for Women's Health Research; Solving Kids' Cancer; Student Society for Stem Cell Research; Sudden Arrhythmia Death Syndromes (SADS) Foundation; Taylor's Tale.

The Association for Frontotemporal Degeneration (AFTD); The Children's Medical Research Foundation, Inc.; The Erythromelalgia Association; The Focus Foundation; The Manton Center for Orphan Disease Research, Children's Hospital Boston; The Reflex Sympathetic Dystrophy Syndrome Association (RSDSA); The Stop ALD Foundation; Tuberosclerosis Alliance; Veterans Health Council; VHL Family Alliance; Vietnam Veterans of America; ZERO—The Project to End Prostate Cancer.

IN RECOGNITION OF "HAND IN HAND"

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the efforts of the Hand in Hand organization, as its members gather to honor its outstanding teen volunteers. Hand in Hand continues to cultivate friendships and build life long relationships between local teen volunteers and special needs children. Hand in Hand teen volunteers will be recognized for their outstanding service to the community at an awards dinner on June 5, 2012. Aimee and Gerald Ostrov and Nona and Dennis Drazin will serve as Guests of Honor. Their faithful service and dedication to the community is worthy of this body's recognition.

Hand in Hand is a local volunteer based organization founded in 2006 under the direction of Chabad of the Shore. The organization is dedicated to building friendships between children with special needs and teen volunteers. Students involved in the Hand in Hand organization remain fully exposed to a wide variety of Jewish activities and social experiences. Teen volunteers learn to become effective friends and mentors while children learn to interact and build social skills. The interaction has helped build eye opening experiences and strong, life long relationships. The unending generosity demonstrated by the Hand in Hand teen volunteers has undoubtedly touched many lives and has helped countless people throughout central New Jersey.

Hand in Hand volunteers and children have also benefited from the steadfast leadership and mentoring of Rabbi Laibel Schapiro and the Chabad of the Shore staff. Rabbi Schapiro received his rabbinical ordination from the Central Chabad Yeshiva in Brooklyn, New York. He has directed the Chabad of the Shore of Monmouth County since 2002 and is a powerful presence in the Monmouth County Jewish community. Rabbi Schapiro's steadfast leadership and contributions to Chabad of the Shore, the Hand in Hand organization and Jewish community are an inspiration to future generations throughout Monmouth County, New Jersey.

The 2012 Annual Hand in Hand Dinner will also recognize four outstanding individuals who will serve as the Guests of Honor. Aimee and Gerald Ostrov are residents of Long Branch, New Jersey and Herzliya Pituach, Israel. Aimee served the Hadassah organization for 30 years and has served in numerous prominent positions including President of the East Brunswick Chapter, President of the Southern New Jersey Region and National Board and Executive Committee. She is an alumna of Cornell University and completed a dietetic internship at Massachusetts General Hospital. Aimee worked as a dietician in hospitals and nursing homes before dedicating her time exclusively to family and philanthropy. Jerry is an alumnus of Cornell University and earned his Masters in Business Administration from Harvard Business School. He has spent most of his career at Johnson & Johnson where he was later promoted to Company Group Chairman. After a short retirement, he returned to work as Chairman and CEO of Bausch & Lomb. He currently serves on several Boards and provides guidance for start-up

companies, particularly in Israel. The Ostrovs are dedicated to sharing their Jewish faith with the community through various charitable and volunteer activities. Their recent volunteer work has provided professional and strategic leadership to educate the community about Israel.

Nona and Dennis Drazin continue to serve with various organizations throughout Monmouth County, New Jersey. Dennis Drazin currently serves as President at Drazin and Warshaw, an esteemed position that oversees 12 attorneys and 40 support staff members. Dennis earned his Juris Doctorate from Dickinson School of Law and is a current member of multiple organizations including the Monmouth County, New Jersey and American Bar Associations. He often lectures for the American Bar Association and Monmouth Bar Association, among others. Dennis Drazin is also chairman of Elite Equine Consultants, providing advice and consultation for the Thoroughbred Horseman's Association. Nona Drazin is an alumna of the University of Pennsylvania and earned her Juris Doctorate in 1994 from American University. She has practiced law in Washington, DC and New Jersey. Nona was also employed by the New Jersey Thoroughbred Horseman's Association as their General Counsel and serves as President on their Board of Trustees. Until recently, she served two terms as an elected Trustee at Congregation B'nai Israel in Rumson, New Jersey. Nona was recently elected to the Monmouth Parks Charity Foundation's Board of Directors. The Ostrovs and Drazins continue to provide valuable and dedicated time to the Hand in Hand organization and the Monmouth County community.

Mr. Speaker, once again, please join me in thanking the Hand in Hand teen volunteers and congratulating the guests of honor for their service and dedication. Their efforts continue to enhance the lives of individuals throughout Monmouth County and New Jersey.

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PEYTON MOORE

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Peyton Moore for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Peyton Moore is a 12th grader at Warren Tech North and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Peyton Moore is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Peyton Moore for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

SPEECH OF

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 31, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes:

Mr. ANDREWS. Mr. Chair, I stand today in opposition to this legislation because it provides funding for the fundamentally flawed and wasteful Delaware Deepening project. Prior to the Army Corps' recent decision to partially fund this \$300 million project, it had previously only been funded through Congressional earmarks for the previous 6 years.

In June of 2002 the General Accounting Office (report # GA0-02-604) found that the Army Corps grossly misrepresented the costs and benefits of the project. The GAO determined that the economic analysis provided for the project contained a number of "material errors," "miscalculations, invalid assumptions, and the use of significantly outdated information." Based on the GAO's findings, the benefit to cost ratio of the project is closer to 0.49 to 1 as opposed to the 1.4 to 1 originally asserted by the Army Corps. A re-analysis completed by the GAO in 2010 (report # GA0-10-420) came to the same conclusion that the Delaware River Main Channel Deepening would not provide a good return on investment for the taxpayers. The latest re-analysis completed by the Army Corps last year fails to re-examine the costs. It also makes highly questionable projections about future benefits based on limited historical data.

The OMB, at President Obama's direction, has said the federal government should only provide funding for projects that are demonstrated benefit for the nation; i.e. projects that have a benefit cost ratio of at least 2.5 to 1. As noted by the Corps of Engineers, the Delaware River Deepening is the only navigation project nationwide that had a benefit cost ratio less than the 2.5 minimum criteria. Previous Presidents, both Democrat and Republican, have not supported this project because it makes no economic sense.

Mr. Chair, there also continues to be an overwhelming number of serious environmental concerns raised by state and federal environmental protection agencies and experts about the project's impact on drinking water, commercial and recreational fish, shellfish, wetlands, wildlife, water quality—not to mention the hundreds of millions of dollars of economic revenue and jobs these natural resources support. This project is an economic loser and Congress should not be in the business of funding old earmarks.

REYNA CANTOR-GUTIERREZ

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Reyna Cantor-Gutierrez for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Reyna Cantor-Gutierrez is a 7th grader at Wheat Ridge 5-8 and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Reyna Cantor-Gutierrez is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Reyna Cantor-Gutierrez for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

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OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 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 \$15,728,112,402,859.92. We've added \$5,101,235,353,946.84 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

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PAYCHECK FAIRNESS ACT

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, with the Senate expected to consider the Paycheck Fairness Act today, it is imperative that the House get serious about addressing pay inequality for working women across the United States. The House version of the Paycheck Fairness Act, H.R. 1519, seeks to achieve this pay equality and fairness by holding employers accountable for sex-based pay discrimination.

On average, women earn only seventy-seven cents for every dollar earned by their male counterparts, and that disparity can fluctuate even further across professions. For African American and Latina women, they are paid only 62 and 54 cents respectively for every dollar paid to their male counterparts. For countless families and single mothers trying to make ends meet, this wage disparity threatens their financial stability, and negatively impacts the livelihood of these women and their dependents.

The Paycheck Fairness Act is a common-sense piece of legislation that will ensure equal pay for all hardworking Americans. There is no basis for which pay discrimination should ever exist, and allowing this to continue undermines our Nation's economic recovery and our commitment to equality.

Mr. Speaker, fairness and equality are basic fundamentals that we must promote as a democratic Nation. Allowing pay discrimination on the basis of sex is not consistent with those principles, and I urge this Congress to take action against it. The Paycheck Fairness Act will provide a solid foundation on which we can build to promote fairness and equality in the workplace. As an original cosponsor of this important piece of legislation, I will continue to advocate for the rights of women all across the country.

MIGUEL CALDERON

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Miguel Calderon for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Miguel Calderon is an 11th grader at Jefferson Senior High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Miguel Calderon is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Miguel Calderon for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

HONORING DR. THOMAS CHAFER  
PRINCE, JR.

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. DUNCAN of Tennessee. Mr. Speaker, I wish today to honor one of the most well-known and selfless men in my District. Dr. Thomas Chafer Prince, Jr. passed away recently at the age of 85.

Dr. Prince was a well-known physician and surgeon in my District for 64 years, and he undoubtedly touched the lives of thousands of people in many positive ways.

He also served his country admirably in the Korean war in the United States Air Force and continued to fly throughout his life.

One of his favorite activities was to sing in a barbershop quartet called The Dignitaries, which was inducted into the Hall of Fame.

He was also a family man with a deep faith in God who studied biblical prophecy and was scheduled to preach at Harvest Christian Fellowship the week he passed away.

I offer my condolences to his wife, Gail; children, Thomas, III, Gayle, Gary, and Steven; nine grandchildren; and two great-grandchildren.

Mr. Speaker, I urge my colleagues and other readers of the RECORD to join me in celebrating the remarkable life of Dr. Thomas Chafer Prince, Jr.

I can think of no more fitting tribute to Dr. Prince than to request the proclamation by Knox County Mayor Tim Burchett honoring his life be reprinted into the RECORD.

A PROCLAMATION ON BEHALF OF THE PEOPLE  
OF KNOX COUNTY

By His Honor The Mayor Tim Burchett To  
Publicly Recognize

IN MEMORY OF THOMAS C. PRINCE, JR. M.D.

Whereas; On October 9, 2011, at the age of 85, Thomas C. Prince, Jr. passed away; and

Whereas; He graduated from Knoxville High School at the age of 15, the University of Tennessee at age 17 and the University of Tennessee Medical School at Memphis at age 19. Dr. Prince began practicing medicine at the age of 21 and practiced for 64 years until his death; and

Whereas; He served in the United States Air Force as a flight surgeon in the Korean War. Dr. Prince sang with his barber shop quartet, The Dignitaries, and was inducted into the Hall of Fame. He served as a physician for the University of Tennessee track teams under coaches Rohe and Huntsman. He was an avid runner and outdoorsman who taught bible classes and was a student of the scripture; and

Whereas; He was dedicated to his wife and four children; and

Whereas; Knox County wishes to memorialize Thomas Chafer Prince, Jr. M.D. for his lifetime of service and achievement.

Now, Therefore, I, Mayor Tim Burchett, Knox County Mayor do hereby proclaim this day in memory of Thomas C. Prince, Jr. M.D.

In Knox County, and urge all citizens to join in this observance.

ENERGY AND WATER DEVELOPMENT  
AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2013

SPEECH OF

**HON. RUSS CARNAHAN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, June 1, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes:

Mr. CARNAHAN. Mr. Chair, I rise in support of the Moran Amendment.

The streams, lakes, and wetlands of America are in desperate need of protection. These areas provide citizens with clean drinking water, are essential to sports and recreation, and, importantly to my district in St. Louis, protect cities from floods. The Army Corps of Engineers, and the Environmental Protection Agency developed a guidance plan this past summer to clarify the jurisdiction of the Clean Water Act, the paramount piece of legislation protecting these important areas. This guidance will confirm the water protections we depend on to keep our water safe. Thus, I sup-

port the Moran Amendment which would eliminate Section 110. Section 110 prevents the Corps from doing a critical part of its job: maintaining our country's significant water resources.

The Corps has already proposed guidance that would significantly clarify the Clean Water Act and ensure the safety of American waterways. Without these clarifications, 20 million acres of wetlands will continue to be left without legal protections. The American public depends on this Act for clean drinking water, protection from flood waters, and maintaining the habitats of important wildlife. The American public depends on us to support the Corps and place safeguards to keep our water clean. I urge my colleagues to vote in support of the Moran Amendment and not prevent the Army Corp of Engineers from doing their job. We must allow the Army Corps of Engineers to clarify the scope of the Clean Water Act, so that Americans can trust their waterways are clean.

RYAN HOEFLER

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ryan Hoefler for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Ryan Hoefler is a 7th grader at Everitt Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ryan Hoefler is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Ryan Hoefler for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

IN RECOGNITION OF MIDDLESEX  
COUNTY RETIRED EDUCATORS  
ASSOCIATION 50TH ANNIVERSARY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize the Middlesex County Retired Educators Association of New Jersey (MCREA) in celebration of their 50th anniversary. The organization continues to organize in support of various social, educational and financial issues concerning retired educators throughout Middlesex County and New Jersey. Their services to the constituents of New Jersey are worthy of this body's recognition.

The Middlesex County Retired Educators Association is dedicated to protecting the rights of many retired educators throughout

Middlesex County, New Jersey. MCREA has made the protection of the retired school employees' state pension fund and insuring the continuation of current health care benefits among its top priorities. MCREA members are active in their community and have organized assistance programs for nursing home residents, and delivered food for the needy and financial assistance to students. They have also organized various social functions for members to attend various cultural performances and historic sites as well as extended trips throughout the United States and various foreign countries. Today, MCREA is proudly represented by over 1,675 members throughout Middlesex County and New Jersey.

Mr. Speaker, once again, please join me in congratulating the Middlesex County Retired Educators Association for 50 years of service. Their efforts continue to enhance the lives of retired educators throughout Middlesex County and New Jersey.

HONORING JEWISH AMERICAN  
HERITAGE MONTH

**HON. SHELLEY BERKLEY**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Ms. BERKLEY. Mr. Speaker, I rise today to mark Jewish American Heritage Month.

My family's story is very much an American Jewish story. On my father's side of the family, from the Russia-Poland border, an entire 1,000-year culture was wiped out as a result of World War II. My mother's side of the family comes from Thessaloniki, Greece, where there was a very vibrant Jewish community prior to World War II, totaling half of the city's entire population. But by the time the Nazis finished, there were only 1,000 Jews left there and I am not presumptuous enough to think that my family would have been among those chosen to live.

My family escaped both the Russia-Poland area and Thessaloniki in order to come to our Nation's shores. And I grew up hearing stories of what their lives had been and how thrilled they were to come to the safe haven of the United States of America. It was the very survival of my family. Had they stayed where they lived in Europe, we would have been exterminated in the Holocaust, but we came to this remarkable country, where we've not only survived, but we've thrived.

When my grandparents came here—and this is a story that is so common among American Jewish families—they couldn't speak English. They had no money. They had no skills. The only thing they had was a dream that their children and their children's children would have a better life here in the United States than they had where they came from.

We American Jews are lucky to be a part of the fabric of this great country, to have full acceptance, to be able to access the highest levels of power, to be able to effectuate meaningful change in a very positive way by participating in the American political process. We have made more than a life for ourselves in the United States of America. We are very proud Americans, and we are very proud Jews. And we appreciate so much the fact that this country offered so many remarkable opportunities and gave us a chance not only

for survival, but to become a part of something so much bigger than ourselves.

I urge my colleagues to join me in marking this special occasion.

NALENE CASTANEDA-ROMERO

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Nalene Castaneda-Romero for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Nalene Castaneda-Romero is a 12th grader at Pomona High and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Nalene Castaneda-Romero is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Nalene Castaneda-Romero for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

MARSHWOOD HIGH SCHOOL WE  
THE PEOPLE TEAM

**HON. CHELLIE PINGREE**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Ms. PINGREE of Maine. I would like to congratulate a group of students in my district who have earned a national title in their understanding of constitutional issues in a changing world.

Participating in the national round of this year's We the People competition in April, Isabella Burke, Catherine Pouliot, and Samantha Silver of Marshwood High School in South Berwick, Maine, took first place in the unit on "What challenges might face American constitutional democracy in the twenty-first century?"

I am very proud of the level at which these students performed especially on a question of such importance to our country.

I would also like to congratulate advisor Matt Sanzone and the rest of the Marshwood team for making it to nationals for a fifth year. It is an incredible statement of this school's dedication in teaching students the foundations of American democracy.

HONORING RABBI MENACHEM  
MENDEL AND NECHAMA DINA  
MANGEL

**HON. JON RUNYAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. RUNYAN. Mr. Speaker, I rise this evening to pay tribute to two of my constitu-

ents from southern New Jersey. Rabbi Menachem Mendel and Nechama Dina Mangel, are known to their friends as Rabbi Mendy and Dinie. They are a Chabad-Lubavitch Chassidic couple who were married in 1992 in Brooklyn, New York. They have directed Chabad Lubavitch of Camden and Burlington Counties, since settling in their New Jersey community in 1994.

Rabbi Mendy received his Rabbinical ordination in New York and together they began to offer a wide-range of educational programs to increase Jewish knowledge and observance in the area. By the spring of 1994, the Chabad Lubavitch Center was established in a storefront in Voorhees, Chabad Hebrew School was inaugurated, and Shabbat services began. In April of 2002, to accommodate the increasing number of programs and participants, Chabad moved to its present home in Cherry Hill. Rabbi Mendy and Dinie have since expanded their activities into Burlington County. In 2004, they brought Rabbi Yitzchok and Baily Kahan on board to begin the Gan Israel Day Camp at Chabad and to assist with the general growth and expansion of activities at the center. More recently, in the summer of 2010, Rabbi Menachem and Shterna Kaminker joined the staff, to work with the Hebrew-speaking community.

The Mangels are the proud parents of eight wonderful children, ka"n, ranging in age from 18–2 years. Many people have come to know Rabbi Mendy and Dinie and their children through their involvement and service to their community. They participate in their community's annual Menorah lighting ceremony, deliver Purim gift packages, teach classes in the synagogue, or invite friends and neighbors in to their home to enjoy a delicious and spirited Shabbat meal. They have opened their home and their hearts to share the warmth of Jewish life and tradition with the many Jews in our area. Rabbi Mendy and Dinie and their family have devoted their lives to ignite a passion for greater commitment to Jewish life in all whom they meet.

Rabbi Mendy will be honored this week at the annual Chai Gala celebration in Cinnaminson, New Jersey and I urge my colleagues to join me in offering my most sincere congratulations.

SAMANTHA GROENHOF

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Samantha Groenhof for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Samantha Groenhof is a 7th grader at Drake Middle School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Samantha Groenhof is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Samantha Groenhof for winning the Arvada



Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING THE VETERANS OF THE  
JUNE 5, 2012 EASTERN IOWA  
HONOR FLIGHT

**HON. DAVID LOESACK**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. LOESACK. Mr. Speaker, I am honored to welcome Iowa veterans of the Greatest Generation to our Nation's Capital today. These veterans, accompanied by volunteer guardians, traveled to Washington, DC to visit the National World War II Memorial that was built in their honor.

I proudly have in my office a piece of marble from the quarry that supplied the stone from which the World War II Memorial was built. That piece of marble, just like the memorial it built, reminds me of the sacrifices of a generation that, when our country was threatened, rose to defend not just our Nation but the freedoms, democracy, and values that are the basis of our great Nation. They did so as one people and one country.

The sheer magnitude of what they accomplished, not just in war but in the peace that followed has stood as an inspiration to every generation of Americans since. The Greatest Generation did not seek to be tested both abroad by a war that fundamentally challenged our way of life and at home by the Great Depression and the rebuilding of our economy that followed. But, when called upon to do so, they defended and then rebuilt our Nation. Their patriotism, service, and great sacrifice not only defined their generation—they stand as a testament to the fortitude of our Nation.

I am tremendously proud to welcome eastern Iowa's veterans of the Second World War to our Nation's capital today. On behalf of every Iowan I represent, I thank them for their service to our country.

HONORING THE LIFE AND SERVICE  
OF FORMER STATE SENATOR  
CATHIE WRIGHT

**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. THOMPSON of California. Mr. Speaker, I rise today to express my sadness regarding the recent passing of former State Senator Cathie Wright, who represented the Simi and Santa Clarita Valleys in the California legislature for 20 years, and with whom I was proud to serve.

Born in Old Forge, Pennsylvania on May 18, 1929, Cathie Maranelli Wright launched her political career in the 1970s as a member of the Simi Valley City Council. Wright was the city's mayor when she ran for and won an open Assembly seat in 1980. During her tenure in the Assembly, Wright carried several pieces of legislation to address local issues, including a bill that added the valley's four

water purveyors to the Castaic Lake Water Agency. The legislation brought the water purveyors to the table for the purpose of negotiating a valley-wide management plan, something the local water community continues to do on a regular basis. She was an early and ardent supporter of the creation of the City of Santa Clarita, which incorporated in 1987.

In 1992 Wright, ascended to the state Senate when former Los Angeles Police Chief Ed Davis retired and served until 2000. As a Senator, Wright helped craft California's welfare and child support laws. She was instrumental in securing funding for the College of the Canyons, particularly a new library and a media & fine arts building. Senator Wright worked tirelessly to develop a Systems of Care approach that would provide early intervention for at-risk mentally ill youth.

Mr. Speaker, Cathie Wright's two decades of dedicated public service make her an outstanding example of her generation and its commitment to our Nation. It is appropriate therefore that we honor her life and contributions today.

**RYAN PFANKUCH**

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ryan Pfankuch for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Ryan Pfankuch is a 7th grader at Drake Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Ryan Pfankuch is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Ryan Pfankuch for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

TRIBUTE TO MOLLIE EMERSON

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Mollie Emerson of Rockford, Iowa for being awarded the Girl Scout Gold Award.

The Gold Award is the highest award that a high school-aged Girl Scout can earn. This is an extremely prestigious honor as less than 6 percent of all Girl Scouts will attain the Gold Award's rigorous requirements.

To earn a Gold Award, a Girl Scout must complete a minimum of 80 hours towards a community project that is both memorable and lasting. For her project, Mollie redecorated patient rooms at doctor offices in her community

to help patients feel more comfortable when visiting the doctor. The work ethic Mollie has shown to earn her Gold Award speaks volumes about her commitment to serving a cause greater than herself and assisting her community.

Mr. Speaker, the example set by this young woman and her supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Mollie and her family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating her in obtaining the Gold Award, and will wish her continued success in her future education and career.

A TRIBUTE TO THE LIFE OF THE  
HONORABLE JOHN JOSEPH LEE

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor John Lee, a resident of San Mateo, California, who died at the age of 81 at the Palo Alto Veterans Affairs Hospice.

John Lee served his country as a Marine in Korea and Vietnam; was a successful businessman; a founder of Telogy Inc; was a highly respected member of the San Mateo City Council and served as Mayor. He was responsible for the completion of three major projects during his twelve year tenure—a movie theater complex, a new library, and a new police station.

He was known to all for saying "It's outstanding!" While he could be stern and firm minded, he was never disagreeable. He appreciated hard work and supported dedicated city employees. He worked to help the less fortunate, and in the words of San Mateo Police Chief Susan Manheimer, "He was a man who believed in valor and chivalry and duty."

John is survived by his son, John Lee Jr., of Oregon, daughters Brenda Lee Woodward, Karen Frost and J. Marcella Lee; his stepson Michael Streim and many grandchildren. He also leaves four siblings.

Mr. Speaker, I ask my colleagues to join me in honoring a true public servant who served his Nation with honor, valor, and generosity. He served his community with equal distinction, and earned the respect of his colleagues in public service and the deep regard of his entire community. I ask my colleagues to extend to his children, grandchildren and siblings our most sincere sympathy on their great loss. John Lee will be missed by everyone who had the good fortune to know him, and I count myself among those so blessed. Our community and our country have been strengthened by the life and the service of John Lee.

HONORING THE PLASMA PROTEIN  
THERAPEUTICS ASSOCIATION

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor the Plasma Protein Therapeutics Association (PPTA) as that organization celebrates its 20th anniversary.

Since PPTA's founding in 1992, the organization has been at the forefront of promoting innovation and patient access to safe and effective therapies used to treat rare and chronic conditions. PPTA is a globally active trade association, representing six plasma protein therapy manufacturers in the United States, and 16 plasma collection companies that operate nearly 400 plasma collection centers across the country.

PPTA is distinguished in the pharmaceutical and biologics industries for the Association's dedication to the continual innovation of therapies for rare disease patients. Today, plasma protein therapies are used to treat a range of rare diseases including primary immune deficiency diseases; neurological disorders such as chronic inflammatory demyelinating polyneuropathy; hemophilia, von Willebrand disease and other bleeding disorders; and alpha-1 antitrypsin deficiency, as well as specialty immune globulin therapies that treat a range of conditions. Recognizing the unique concerns of the patients living with these rare diseases, PPTA continues to act as a diligent advocate for the protection of therapeutic innovation and patient access to plasma protein therapies. One example of that commitment is the Association's strong support of my bill, the Medicare IVIG Access Act, H.R. 1845, which will make whole the home infusion benefit for patients with primary immune deficiencies. In addition to my work on this legislation, my interest, support, and commitment extend to all of the rare disease patients treated with life-saving plasma protein therapies, and I'm proud to work on issues so vital to the health of these fragile groups of patients.

In addition to the Association's outstanding advocacy, PPTA has also led the industry in quality and safety assurance. In 2000, PPTA and its members implemented the Quality Standards of Excellence, Assurance and Leadership (QSEAL) as voluntary standards that complement FDA regulatory requirements for manufacturing plasma protein therapeutics. QSEAL certification provides a pathway for industry participants to provide independent certification of adherence to the QSEAL standards. The QSEAL program works in concert with the International Quality Plasma Program (IQPP), instituted more than 20 years ago to help ensure the safety of plasma used to produce lifesaving therapies and plasma donors.

A global organization headquartered in the United States, with an office in Belgium, and that serves the needs of chronic, rare disease patients around the world, PPTA and its members should be commended for their ongoing commitment to supporting patient access to innovative, safe and effective treatments.

HONORING THE GRADUATING 5TH  
GRADERS AT GLEN MARLOWE  
ELEMENTARY SCHOOL

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the graduating 5th Grade class of Glen Marlowe Elementary School. They are about to enter an exciting new phase of their lives: making new friends, advancing their edu-

cation, and moving closer to the adults they are destined to become. Some of the most fundamental lessons that one can be taught, such as the importance of hard work and respect for others, have been instilled by the faculty of Glen Marlowe over the past few years and will shine through in every future action taken as they become young men and women.

I would like to offer my thanks to Ms. Kristi Duckett, Ms. Julia Meeks, Ms. Jessica Hudgins, Ms. Deanna McNaughton, and Ms. Kathy Plount for leading by example, and helping to build the foundation of a wonderful group of young people. I would also like to acknowledge the parents of the graduates. All of those carpools, parent-teacher conferences, and late night homework checks have not been in vain, and have helped prepare these graduates for a future that will be shaped by their values and vitality.

It is my honor to congratulate these graduates on achieving this important milestone and I encourage them to follow all of their dreams, wherever they might lead. I encourage my colleagues to join me today in honoring the graduating 5th graders at Glen Marlowe Elementary.

RECOGNIZING GOODWILL INDUSTRIES  
OF CENTRAL IOWA IN DES  
MOINES AND THE ABILITYONE  
PROGRAM

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. LATHAM. Mr. Speaker, today I rise to recognize the AbilityOne program, which in the last several years has helped more than 50,000 Americans who are blind or who have significant disabilities gain skills and training that ultimately led to gainful employment.

The AbilityOne program harnesses the purchasing power of the Federal Government to buy products and services from participating community-based nonprofit agencies that are dedicated to training and employing individuals with disabilities. This program affords Americans with disabilities the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life.

I am proud to acknowledge an important local partner of the AbilityOne program, Goodwill Industries of Central Iowa in Des Moines. It is one of 207 regional Goodwill organizations throughout North America and across the world. Goodwill Industries of Central Iowa has been serving Iowa communities since 1955 with a dedicated mission, a clear vision and a strong set of values to empower people with significant disabilities to achieve greater independence, education and employment. With the support of the AbilityOne program, Goodwill's training and job placement programs help clients and their families live more independently while allowing them to make positive contributions to their communities.

Mr. Speaker, for these reasons I strongly support the AbilityOne program and Goodwill Industries of Central Iowa in Des Moines. I also want to commend the dedication and commitment of President Marlyn McKeen and her staff for helping individuals who are blind

or have a significant disability find employment opportunities. Their work helps people live fuller lives and become more active members of society. I also commend each AbilityOne employee who works every day to improve their lives and make our country a better place to live.

HAZING IN THE U.S. MILITARY

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. McDERMOTT. Mr. Speaker, today I rise to remind my colleagues about the ongoing problem of hazing in the United States military. Hazing, particularly racially motivated hazing, undermines our military.

Multiple suicides in 2011 by service members of color after suffering hazing drew increased attention to this problem. These incidents involved dehumanizing service members through racist taunting, harassment and physical assault.

Private Danny Chen, 19, a Chinese American, took his own life in Kandahar, Afghanistan in October 2011 after being hazed. Investigators found that he had been physically assaulted and taunted with racial slurs. Eight soldiers were charged with dereliction of duty, assault and involuntary manslaughter in the death of Private Chen.

In his annual holiday message on December 23, 2011, U.S. Defense Secretary Leon Panetta condemned hazing in the military. He later directed military commanders to review hazing policies and ensure compliance.

At the outset of this year, our colleagues in the Congressional Tri-Caucus called for public hearings and hosted a forum on the issue. In March, the Armed Services Committees' Subcommittee on Military Personnel hosted a hearing on this subject and heard testimonies from U.S. Army, Navy, Marine Corps, Air Force and Coast Guard representatives. Those testifying all agreed that hazing is wrong and should not be tolerated.

However, the hearing also highlighted the need for greater transparency and regular oversight in order to ensure real, measurable success in combating hazing within the ranks of our military. Thankfully, a portion of the National Defense Authorization Act for Fiscal Year 2013 calls for annual reports by the U.S. Secretaries of Defense and Homeland Security as well as a report by the Comptroller General, which will create help define hazing as well as create systematic means by which data about hazing can be collected and tracked.

As a result of these reports, we will have the common language, tools, data and communication needed to better prevent hazing in our military. By learning from our failure to protect Private Chen and other victims, we also hope to honor their memory.

Mr. Speaker, we owe an immense debt to our brave members of our military who risk their lives for our national security. I join my colleagues in their steadfast effort to make sure that Congress does its due diligence to ensure that hazing has no place in our armed services.

HONORING SOUTH STANLY HIGH SCHOOL, HOME OF THE 2012 NORTH CAROLINA 1A BASEBALL AND SOFTBALL STATE CHAMPIONS

**HON. LARRY KISSELL**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. KISSELL. Mr. Speaker, I rise today to recognize the students, faculty, staff and coaches of South Stanly High School in Norwood, North Carolina. This past weekend, the South Stanly Rowdy Rebel Bulls baseball and softball programs finished their seasons with each team capturing its second North Carolina 1-A State Championship, handily winning their championship games held this weekend in Durham and Raleigh, respectively. With their combined victories, South Stanly High School became just the third program in the history of North Carolina baseball and fast-pitch softball to sweep both titles in the same season.

The South Stanly baseball team finished the 2012 season with a 30-4 record, capping the season with a 6-1 victory over Voyager Academy in the State Championship game. I congratulate head coach Terry Tucker, who, in his fourth year with the program, has led the team to its third state championship appearance and its second state championship since 2009.

The South Stanly softball team finished the 2012 season with a 27-7 record, completing the season with a 9-2 win over Camden to win the state title. I congratulate South Stanly softball head coach David Poplin, who led the team to its second title since 1998.

Most importantly, sincere congratulations are due to the dedicated young men and women of these two teams. Their hard work and sacrifice throughout the season put them on the road to championships, and together their dedication and focus has brought two more state titles back to Norwood.

Folks throughout our community have always had a way of banding together in support of one another, and this year's baseball and softball seasons showed a perfect example of that at South Stanly. From dedicated parents and siblings, to friends and church members, our community came out in full force to cheer the Rowdy Rebel Bulls on to victory. I'm honored to represent the people of Stanly County, the players and their dedicated families, and the coaches and faculty of the school.

Before Congress and our great nation, I am proud to recognize the members of South Stanly High School's baseball and softball teams, Coach Tucker and Coach Poplin, Principal Mike Campbell, Athletic Director Sean Whitley and the entire Stanly County community as a whole for another local championship season. Go Rowdy Rebel Bulls!

GREENVILLE ELEMENTARY

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. SHIMKUS. Mr. Speaker, I rise today to salute the dedication of the administration,

staff and students of Greenville Elementary School in Greenville, Illinois, who went above and beyond in caring for, and ultimately saving the life of, one of the school's kindergarteners.

Emma Young started kindergarten at Greenville Elementary this year, but Emma is not your typical kindergartener. Since she was very young, Emma suffered seizures and unconsciousness due to a condition that doctors were unable to diagnose due to a lack of data. Finally, doctors placed an implantable loop recorder in Emma's chest to collect data for up to three years in the hopes of collecting the information necessary to diagnose Emma's condition.

Emma's parents met with the school nurse to ensure that school staff were aware of her condition and knew what to do. But instead of just filing the information away, school staff made a superior effort to inform everyone involved with Emma's daily activities in the event that their help was needed in an emergency. The school nurse, Emma's teacher, and all the faculty and staff who had contact with Emma on a daily basis had a special meeting after school to learn about Emma's condition and about the monitor implanted in her chest. Her teacher made posters with her picture and a photo of the device, with step-by-step instructions for staff or substitutes to review. The staff even developed a plan called "Code Emma", and taught the other kindergarteners how to recognize when Emma needed help and how to announce a Code Emma.

This spring, Emma's mother, Jill, was at home when she received a breathless call from the school secretary informing her that Emma had suffered a seizure. She rushed to the school, where an ambulance had already arrived to take Emma to the hospital. Riding to the hospital, Jill was grateful for the fast response by the school staff, but wondered if the staff had remembered to press the button on Emma's device so that the data could be collected, and a diagnosis finally determined. Emma's condition returned to normal over the next few minutes, and she was released from the hospital that day. An hour later, Emma's cardiologist called and told Jill that the data had been collected, and Emma's condition could finally be diagnosed and treated. Emma now has a pacemaker and is receiving life-saving treatment, thanks to the doctors and nurses who worked with her, but perhaps most importantly, due to the students and staff at Greenville Elementary who called out and responded to the Code Emma.

Emma's mother writes that the students and staff at Greenville Elementary are deserving of recognition for their "commitment to education, and their dedication to nurturing and loving children in the community. The lessons that are taught inside of the walls at Greenville Elementary are not just the mandated ones, but the ones that will mold these children into the types of individuals they will become."

Mr. Speaker, I want to take this opportunity to salute the entire team at Greenville Elementary for the good work they do in educating children in not just the Three Rs, but in caring for others and being good citizens. I am proud to represent such an outstanding community and such outstanding people.

ETIENNE CHARLES

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a young and talented jazz trumpeter from the Republic of Trinidad and Tobago, Mr. Etienne Charles, in celebration of Caribbean American Heritage Month, nationally recognized during the month of June.

Born on the island of Trinidad in 1983, Etienne Charles defies easy musical categorization. An alumnus of the prestigious Julliard School, Mr. Charles has received critical acclaim for his exciting performances, thrilling compositions and a knack for connecting with audiences worldwide. Etienne's musical lineage runs at least four generations deep: His great-grandfather emigrated to Trinidad from the overseas French department of Martinique bringing his folk music to the village of Mayaro. The young trumpeter's grandfather's distinct *cuarto* style can be heard on the classic folk and calypso recordings of the Growling Tiger; and, Etienne's father was a member of Phase 11 Pan Grove, one of Trinidad & Tobago's most progressive steel bands and one that Etienne himself would later join. Immersed in his father's vast record collection, and suffused with the sounds of calypso, steel pan and African Shango drumming, Etienne imbibed many of the influences that presently constitute the diverse colors of his harmonic palette.

Perhaps more than any other musician of his generation or of Caribbean origin, Etienne brings a careful study of myriad rhythms from the French, Spanish, English and Dutch speaking Caribbean to the table. Crucially, this young jazz professional fully understands the New Orleans trumpet tradition (which is readily discernible in his trademark instrumental swagger) and what the famed Crescent City pianist, Jelly Roll Morton so succinctly captured in the now immortal phrase, "The Spanish Tinge".

In his latest opus, *Kaiso*, this Trinidadian trumpet maestro, Etienne Charles, cooks up an ambrosial *bouillabaisse* of New World music genres, with jazz and calypso genres standing out as piquant flavors. He explores the songbooks of three legends in calypso; The Lord Kitchener, The Mighty Sparrow and the Roaring Lion, using many different instrumental palettes ranging from duet to chamber orchestra.

Mr. Speaker, it gives me great pleasure to recognize this young talent, Mr. Etienne Charles, for the many contributions he brings to the nationals of the Republic of Trinidad and Tobago and the world.

HONORING EULESS POLICE CORPORAL ROGER GATLIN

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. MARCHANT. Mr. Speaker, it is with great pride that I recognize retiring Corporal Roger Gatlin for his 30 years of public service with the Euless, Texas, Police Department.

Corporal Gatlin graduated from Lexington High School in Lexington, Tennessee. Following high school, Cpl. Gatlin continued his education at West Tennessee Business College in Jackson, Tennessee, and Tarrant County College in Fort Worth in pursuit of a degree in Criminal Justice and a minor in Business. His post-secondary education included over 280 academic hours and over 1630 training hours. Cpl. Gatlin has received training in: Background Investigations, Crisis Intervention, Terrorism and Homeland Security, Narcotics Investigations, Family Violence and Child Abuse, Management and Supervision, and SWAT/Tactical Training. He holds the following licenses: Master Peace Officer, Mental Health Officer, School Resource Officer, and Basic Instructor. For the past several years, he has been working at Central Junior High in Euless as the School Resource Officer.

Cpl. Gatlin's career as a police officer began with the Jackson, Tennessee, Police Department in 1975 where he served until 1976. From 1976–1980, he worked in Communications for the Tennessee Highway Patrol. In September, 1980, Cpl. Gatlin moved to Texas where he joined the Euless Police Department and served until November 1982. After a brief absence, he returned to the Euless Police Department in September 1984. While with the Euless Police Department, he has held the positions of Police Officer, Field Training Officer, Acting Sergeant, and Corporal.

Cpl. Gatlin is a member of the Euless Peace Officer Association. He was awarded the 1987 Euless Police Officer of the Year. In his spare time, he enjoys golf, baseball, traveling, and woodworking.

I am very proud of the Euless Police Department, and I am honored to recognize Corporal Roger Gatlin for his contribution to the community. Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in thanking Roger Gatlin for his service as a police officer.

WILKERSON CHAPEL 150TH  
ANNIVERSARY

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. SHIMKUS. Mr. Speaker, I rise today to salute the 150th anniversary of an important community institution in Collinsville, Illinois.

In 1862, the Wilkerson Chapel was founded in Collinsville, and for 150 years it has served the people of Collinsville; along the way becoming the oldest and only African Methodist Episcopal Church in Collinsville. The church was originally located at the corner of South and Clinton Streets, on a piece of land donated by Mrs. Josiah Peers. In 1922, Wilkerson Chapel moved to its present location at 317 Summit Avenue.

The original land for the AME church was donated by a white woman in town, Mrs. Josiah Peers, and when the second location was built, the white churches in town donated such items as communion robes, a piano, and even the church bell. Marian Hoskin, an 81-year-old church member, talked about the harmony between the races which has always been an important part of Wilkerson Chapel's history,

saying that, "they always talk about this diversity situation here. And there was always prejudice on both sides of the fence. But we got along here. We have always worked together in this town."

Today, Reverend Carl F. Berry is the current pastor, and under his leadership, Wilkerson Chapel continues its efforts to improve the lives of the citizens of Collinsville. The church continues its outreach efforts, which include open houses and cookouts, but also performances by Just Us and The Rest, the church choir, and work with the Collinsville Area Ministerial Alliance food pantry.

Before the church's 150th anniversary banquet, Rev. Berry told the local paper, "The community is there for the church and the church is very much there for the community. This is truly about us sharing ourselves. The doors to the church are always open for service to the community."

I am proud to salute the 150 years of service by the parishioners of the Wilkerson Chapel, as well as the example they have set for our community. I am honored to represent such great people and such a great community like Collinsville.

ENERGY AND WATER DEVELOPMENT  
AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2013

SPEECH OF

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 31, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5325) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, and for other purposes:

Ms. KAPTUR. Mr. Chair, I strongly support two important provisions in this bill, included at my request, which provide necessary direction to the U.S. Army Corps of Engineers. This bill withholds Additional Funding for Ongoing Work until the Corps provides this Committee with an acceptable explanation of their allocation decisions. The accompanying report from the Committee also recommends various national domestic priorities for additional funds, including harbors that support domestic manufacturing. This language will greatly enhance the Corps' ability to ensure that our maritime infrastructure meets the changing needs of our nation.

The Fiscal Year 2013 Energy and Water Appropriations bill provides \$325 million in additional funding for the Corps to address priority projects throughout the country. When given a similar allocation last year, the Corps disregarded this Committee's directive to establish a rating system of projects to be funded and explain why each project was given priority.

This is unacceptable. I share the concern of the Chairman and many of my colleagues that the Corps must be accountable for their distribution of these extra funds.

Given significant backlogs in many of our nation's ports, these additional funds provide an opportunity for improved maintenance of our water borne infrastructure, which is so cru-

cial for growing our economy and creating jobs.

But it would be irresponsible to provide these dollars without exercising proper oversight to ensure that these funds are spent responsibly.

The Committee report already included direction to the Corps to report to the Committee their decisions regarding the use of these funds, but given the previous disregard for this directive last year, it became necessary to include this directive in the bill itself and establish consequences for the Corps, should it fail to meet this obligation.

Additionally, the report accompanying this bill recommends several priorities for the rating system to be created by the Corps. In particular, I strongly support the inclusion of domestic manufacturing as a component of the economic assessment for determining funding.

The significant backlogs of Corps maintenance activity across the country, especially in the Great Lakes region, greatly reduce the competitiveness of American manufacturing.

In the Great Lakes region, which has long been the heart of manufacturing in the U.S., heavy manufacturers are severely affected by light loading restrictions in our harbors. Bulk commodity shipments, which are essential to heavy manufacturing, are being transported inefficiently, preventing domestic manufacturers in the region from competing with foreign manufacturers.

The directive language in the report establishes this necessary manufacturing-oriented priority in determining which projects are to be funded by the additional funds provided in the bill.

The Corps' work is critical for maintaining critical U.S. maritime infrastructure. The language in this bill and the accompanying support will ensure that this work meets the needs of our nation.

I appreciate the willingness of the Chairmen and the Ranking Members of both the full Appropriations Committee and the Energy and Water Subcommittee to work with me to include this language. In response to the Army Corps' disregard for Congressional directives during fiscal year 2012, language in this bill demand proper compliance to the Constitutional authority of Congress.

PAYING TRIBUTE TO CAPTAIN  
KARL VAN DEUSEN'S 27 YEARS  
OF SERVICE TO OUR NATION

**HON. C.W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Captain Karl Van Deusen, United States Navy for his extraordinary dedication to duty and service to the United States of America. Captain Karl Van Deusen will retire as the Director of Naval Congressional Liaison for Appropriations Matters. His service spans over twenty-seven years of active military duty to the United States Navy and the Department of Defense.

Born in Hartford, Connecticut and raised in St. Petersburg, Florida, Captain Karl Van Deusen received his commission in 1985 through the Naval Reserve Officers' Training Corps program at Marquette University, where

he graduated with a Bachelor of Arts degree in History. His rise in the Navy began at sea, when Ensign Van Deusen reported aboard the Knox-class frigate, USS MILLER, and served as Gunnery Officer and Damage Control Assistant.

Afterwards, he subsequently served on five other warships, including the Commander of the Arleigh Burke-class destroyer, USS GONZALEZ, and Commander of Destroyer Squadron FIFTY, home ported in Manama, Bahrain. His shore assignments have been focused in the areas of surface warfare, appropriations, and congressional liaison which included duty on the Navy staff, and the staff of the Secretary of Defense. Throughout his career, he has demonstrated exemplary service in duty to the mission and care of his Sailors.

In his culminating assignment as the Director of Naval Congressional Liaison for Appropriations Matters Captain Karl Van Deusen forged and maintained countless valuable relationships with Congressional members and staffers, key leaders at the Office of Management and Budget, leadership in the Office of the Secretary of Defense, and with his Service counterparts. These relationships were critical communication links when the Navy needed to provide crucial key information and have a voice in critical resourcing decisions that affected its programs and priorities.

The United States Navy, the Department of Defense and the Nation will dearly miss one of its most respected and valued leaders as Captain Karl Van Deusen leaves active duty. We will miss his humility, selflessness, candor and integrity. Captain Karl Van Deusen's exemplary leadership and selfless devotion to duty has touched fully two generations of Sailors, Department of the Navy Civilians, and their Families.

Mr. Speaker, it has been a pleasure to work closely with Captain Karl Van Deusen over the last several years of his long and decorated career. On behalf of a grateful Nation, I join my colleagues today in recognizing and commending Captain Karl Van Deusen for a lifetime of service to his country. For all he and his family have given and continue to give to our country; we are in their debt. We wish him, his wife Beth, his two sons, Jon and Todd, and his three daughters, Bonnie, Margaret, and Cora, all the best in his retirement.

CONGRATULATING THE FOREST  
PARK CIVIC ASSOCIATION ON ITS  
50TH ANNIVERSARY

**HON. STEVE STIVERS**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. STIVERS. Mr. Speaker, I rise today to congratulate the Forest Park Civic Association on its 50th anniversary.

The Forest Park community and its people have played many significant roles throughout their rich history. Many communities across this great nation have been modeled after Forest Park and its pedestrian-friendly design. In 1976, resident Tina (Bishoff) Lovin set a then-world record when she swam the English Channel at the age of 17. The Montreal Olympics featured a Forest Hill local, Debbie (Keplar) Wilson, when in 1976 she won an Olympic Bronze Medal in the Platform Diving event.

The hard work and selfless contributions of Forest Park and the members of its community have contributed to the vibrancy and sense of unity in Central Ohio. I ask that all Members of Congress join me as I offer my congratulations to the Forest Park Civic Association on its 50th anniversary.

HONORING DR. PRADEEP KHOSLA

**HON. MICHAEL F. DOYLE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. DOYLE. Mr. Speaker, I rise today to recognize the many contributions of Dr. Pradeep Khosla and to thank him for his many years of service to Pittsburgh.

Dr. Khosla is one of the finest technical minds of our time, and for nearly 30 years, Pittsburgh has had the honor of calling him one of our own—first as he worked towards a PhD from Carnegie Mellon University, which he received in 1986; then later as a professor at CMU; and then finally, beginning in 2004, as Dean of CMU's Carnegie Institute of Technology. Additionally, as the founder of CyLab, he began cutting-edge work in the realm of cyber security years before many recognized the vital importance of these issues. He has done much to both enrich CMU students' day-to-day experiences and elevate CMU's national and international reputation.

Sadly for us, he has been offered and has accepted a new position as Chancellor of the University of California, San Diego. He leaves us in August, but he leaves behind a city and school that are better because of his residency and tenure there.

Pittsburgh has not been the only beneficiary of Dr. Khosla's considerable talents though. Corporations and non-profits, nation-wide and worldwide have sought his expertise and counsel. He has lent his skills and time to countless boards of directors, councils, and advisory boards. He has served as a consultant for companies, venture capital funds, and start-ups.

Amidst all of this, it's amazing that Dr. Khosla had time to do anything else, but his research work has remained exemplary. He has authored or co-authored 3 books and over 350 articles, and has served on many journals' editorial boards.

Pradeep Khosla has had a considerable impact on the life of the mind of both CMU and Pittsburgh. He has also helped transform southwestern Pennsylvania into a leader in high-technology research, development, and commercialization. I've worked closely with Pradeep on a number of issues and initiatives over the years, and through those experiences, he's also become a good personal friend. He will be sorely missed.

I want to congratulate the city of San Diego and the University of California at San Diego. You are gaining an incredible scientist, administrator, and teacher. Pittsburgh is a better place as a result of his work, and San Diego will be, too.

I want to thank Dr. Khosla for his many contributions to our city, congratulate him on his new position, and wish him continued and much-warranted success.

TRIBUTE TO ARTHUR HUBERT  
WEBB

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a good friend of mine, Arthur Hubert Webb. Hubert passed away Friday, May 25, 2012, at his home in Riverside, California. A resident of Riverside, California, for 78 years, he was a pillar of the community and will be deeply missed.

Hubert was born May 5, 1929, in Los Angeles, California, the son of Albert A. and Rebecca B. Webb. After graduating with honors in Civil Engineering from the University of Southern California, Hubert served honorably in the United States Army for two years. Hubert joined Albert A. Webb Associates in 1955 and served for 56 years, becoming President in 1984 and Chairman of the Board in 2000.

Hubert was an expert in water resources engineering, aiding clients such as Western Municipal Water District, Jurupa Community Services District, Crestline Lake Arrowhead Water Agency, City of Norco, and Edgemont Community Services District and shaping the dramatic growth of Southern California through his work. He was instrumental in designing 36,500 feet of pipeline and three pump stations to deliver water from the Riverside and Gage Canals to Western Municipal Water District's agricultural system. Hubert also served as the Chief Technical Advisor for the Riverside/Corona Feeder Project which stored water in wet years in the San Bernardino Valley ground water basins and delivered water during dry years to communities in Riverside County.

As a Professional Engineer in the State of California, he was active in the American Society of Civil Engineers, California Society of Professional Engineers, American Water Works Association, National Ground Water Association, California Water Environment Federation, Federal Water Environment Federation, and National Society of Professional Engineers. In 2008, Hubert was recognized as a Water Hero Award recipient for his donation of valuable and historical water resource documents from the library of Albert A. Webb Associates to the Water Resources Institute's archives.

Hubert was preceded in death by his wife Diane S. Webb. He is survived by his daughter Sandra Webb (Roger Prend); sons, Scott Webb and Steve Webb (Suzanne Anderson); sister Mary Webb (Gene Schaefer); 8 grandchildren; companion Diana Lingren, his nephew Matt and many other nieces and nephews.

On Thursday, June 7, a memorial service celebrating Hubert's extraordinary life will be held. Hubert will always be remembered for his incredible work ethic, generosity, contributions to the community and love of family. His dedication to his family, work, and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Hubert's family and friends; although Hubert may be gone, the light and goodness he brought to the world remain and will never be forgotten.

## PERSONAL EXPLANATION

**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. GUINTA. Mr. Speaker, on rollcall votes No. 294–314, I am not recorded because I was absent from the U.S. House of Representatives. Had I been present, I would have voted in the following manner: On rollcall No. 294, had I been present, I would have voted “yea”; on rollcall No. 295, had I been present, I would have voted “yea”; on rollcall No. 296, had I been present, I would have voted “yea”; on rollcall No. 297, had I been present, I would have voted “yea”; on rollcall No. 298, had I been present, I would have voted “yea”; on rollcall No. 299, had I been present, I would have voted “yea”; on rollcall No. 300, had I been present, I would have voted “no”; on rollcall No. 301, had I been present, I would have voted “yea”; on rollcall No. 302, had I been present, I would have voted “no”; on rollcall No. 303, had I been present, I would have voted “yea”; on rollcall No. 304, had I been present, I would have voted “no”; on rollcall No. 305, had I been present, I would have voted “yea”; on rollcall No. 306, had I been present, I would have voted “no”; on rollcall No. 307, had I been present, I would have voted “yea”; on rollcall No. 308, had I been present, I would have voted “no”; on rollcall No. 309, had I been present, I would have voted “no”; on rollcall No. 310, had I been present, I would have voted “no”; on rollcall No. 311, had I been present, I would have voted “no”; on rollcall No. 312, had I been present, I would have voted “no”; on rollcall No. 313, had I been present, I would have voted “no”; on rollcall No. 314, had I been present, I would have voted “no”.

HONORING U.S. ARMY SPECIALIST  
ARRONN D. FIELDS**HON. LARRY BUCSHON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. BUCSHON. Mr. Speaker, I rise today to honor U.S. Army Specialist Arronn D. Fields.

SPC Fields, a 27-year-old native of Terre Haute, Indiana, lost his life in combat on May 21st in Parwan Province, Afghanistan, during an insurgent attack when his military vehicle received rocket-propelled grenade fire.

SPC Fields was assigned to the 381st Military Police Company, 81st Troop Command, Army National Guard located in Plymouth, Indiana. SPC Fields deployed to Afghanistan as a member of Task Force Guardian, a multi-unit military police force from Indiana.

Indiana lost a great citizen, who enlisted in the Indiana National Guard in 2006.

I would like to offer my most heartfelt condolences to SPC Fields' family and friends. His commitment to his fellow soldiers and the Indiana National Guard make SPC Fields a patriot. We are a grateful Nation and SPC Fields will be missed, but not forgotten.

RECOGNIZING LIEUTENANT  
COMMANDER WESLEY A. BROWN**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Ms. NORTON. Mr. Speaker, I rise to ask the House of Representatives to join me in recognizing Lieutenant Commander Wesley A. Brown '49, CEC, USN (Ret.), the first African American graduate of the U.S. Naval Academy, who died on May 22, 2012, for his service to his country and to the residents of the District of Columbia. Tomorrow, Wednesday, June 6, 2012, the U.S. Naval Academy will hold Commander Brown's memorial service in the Academy's Main Chapel, a short walk from the stadium, the Wesley A. Brown Field House, named for him in recognition of his historic place in history.

The District of Columbia had no representation in Congress at the time, but Representative Adam Clayton Powell (NY) nominated Mr. Brown to the Naval Academy in 1945. According to historian Robert J. Scheller, Jr., who was commissioned by the Navy to write a book about Lieutenant Brown, *Breaking the Color Barrier: The U.S. Naval Academy's First Black Midshipmen and the Struggle for Racial Equality*, “Having attended high school, played sports, led the Cadet Corps, held a full-time job, and taken a college course all at the same time, Brown was accustomed to working hard, working smart, and budgeting his time.”

Commander Brown never stopped serving his country. He chaired the District of Columbia Service Academy Selection Board and was Chairman Emeritus until his death. A life-long resident of the District of Columbia, Lieutenant Commander Brown, the first in his family to be college-educated, grew up in Washington's Logan Circle neighborhood, and attended Dunbar High School, where he led the Dunbar Cadet Corps battalion. Upon his graduation, Mr. Brown attended Howard University through the Army's Specialized Training Reserve Program, because he was not old enough to apply to West Point.

Lieutenant Commander Brown is remembered as a hero at the United States Naval Academy and in his home town. With his beaming smile, Wes, who was always good for conversation and armed with an extraordinary memory and a sharp intellect, offered anecdotes instructed with living history. Lieutenant Commander Wes Brown, who withstood battle and gave generously of himself, had the heart of a warship.

I ask the House to join me in offering our sincere condolences and sympathy to Wes Brown's widow, Crystal, his children, Willeta, Carol, Wesley, Jr. and Gary, and his seven grandchildren, and in thanksgiving for a lifetime of service.

PAYING TRIBUTE TO MAJOR GENERAL  
KEVIN A. LEONARD'S 33  
YEARS OF UNIFORMED SERVICE  
TO OUR NATION**HON. C. W. BILL YOUNG**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. YOUNG of Florida. Mr. Speaker, I rise today to pay tribute to Major General Kevin A.

Leonard for his extraordinary dedication to duty and service to the United States of America. Major General Leonard will retire from the United States Army in May 2012 after serving his country with integrity, dedication and visionary leadership for over 33 years. While his accomplishments are numerous, these deserve special notice. Major General Kevin A. Leonard has distinguished himself through exceptionally meritorious service to the United States Army from May 1979 to May 2012, concluding 33 years of exemplary service culminating in his assignment as Commanding General, Military Surface Deployment and Distribution Command, Scott Air Force Base, Illinois. Major General Leonard is a genuine selfless servant leader who consistently demonstrated outstanding leadership, professionalism, dedication, and a genuine heart-felt concern for the welfare of Soldiers, Civilians, and their Families. His efforts, sacrifices, and selfless service have made significant and enduring contributions to the development, training, and leadership of the United States Army and the Armed Forces of the United States.

Major General Leonard has performed with expert distinction in all of his assignments throughout a remarkable career. He has led and molded Soldiers while serving in a myriad of significant positions of ever-increasing responsibility to include the following: Infantry Rifle and Scout Platoon Leader in Germany during the Cold War; Company Commander at both Fort Sill, Oklahoma and Fort Riley, Kansas; every key development position at battalion level to include Battalion Commander in the 1st Infantry Division; Deputy Chief of Staff for Logistics, United States Army Special Operations Command (USASOC), Fort Bragg, North Carolina; Commander Special Operations Support Command (Airborne), in both Afghanistan and Iraq; Chief Sustainment Division and Executive Assistant (EA) to the Director, Joint Staff, The Joint Staff, Washington, D.C.; Deputy Commander, United States Army Field Support Command with duty as Commanding General, Army Materiel Command Forward-Southwest Asia/C-4, Coalition Land Forces, Camp Arifjan, Kuwait; Commanding General 1st Corps Support Command (Airborne)/1st Sustainment Command, Fort Bragg, North Carolina and Camp Arifjan Kuwait; Deputy Chief of Staff for Logistics and Operations, United States Army Materiel Command, Fort Belvoir, Virginia; and finally, Commanding General Military Surface Deployment and Distribution Command.

Major General Leonard's phenomenal success leading SDDC and several other organizations is attributable to the core traits and values he has demonstrated throughout his service in the United States Army. He is a committed and resolute leader who has consistently built incredibly agile, innovative, and mission oriented teams. His formula for success is simple: he knows, trusts, and empowers his subordinates to execute his intent; he has always founded his leadership on the credo “Mission First, Soldiers Always, and Self Last”; and he has led by example with his professional competence and unflinching confidence in his team. He believed each of his organizations could achieve the highest standards possible and without fail, they did. Through his energy, optimism, and emphasis on collaboration, he has created teams of nimble and innovative problem solvers that have fundamentally improved organizational efficacy



while making enduring contributions to the nation's defense and welfare. His principle message and command philosophy is perfectly epitomized by his maxim: "One Mind focused on the mission; One Heart willing to serve; One Purpose to keep soldiers alive". At all levels of command in peace and war, Major General Kevin Leonard has demonstrated himself to be an exceptionally adept leader and logistician, a sincerely caring commander, and a consummate Soldier.

Major General Leonard exemplary service culminated with his assignment as Commanding General, Military Surface Deployment and Distribution Command, Scott Air Force Base, Illinois. This organization is a jointly staffed Army Service Component Command (ASCC) of United States Transportation Command (USTRANSCOM) and a Major Subordinate Command (MSC) of United States Army Materiel Command (AMC). As Commander of Surface Deployment and Distribution Command he was responsible for all SDDC operations and for directly leading a headquarters and five subordinate commands composed of over 4,825 active and reserve military personnel and civilians. Major General Leonard's contributions to SDDC are significant and enduring. His leadership has cultivated an SDDC team that is readily postured to respond to any contingency ranging from abrupt closures of the Pakistan Ground Lines of Communication (PAKGLOC) to humanitarian disasters across the globe.

During Major General Leonard's tenure SDDC successfully executed 235 unit cargo deployments in support of Operation IRAQI FREEDOM, Operation NEW DAWN, and Operation ENDURING FREEDOM as well as the movement of 101 million square feet of cargo. Under his direction, SDDC successfully coordinated the drawdown of ocean shipping containers in Iraq from over 43,000 containers in June 2011 to fewer than 20,000 containers in November 2011 thereby resulting in a \$6.4 million dollar reduction in container detention costs. He also effectively employed SDDC Individual Mobilization Augmentees (IMA) to serve as the command's liaison officers (LNO) in Iraq, Jordan, Pakistan, Afghanistan, and Uzbekistan. He deployed forces to effectively posture and support the rapid reverse surge and departure of all U.S. forces from Iraq; the largest drawdown of forces since Vietnam. Major General Leonard demonstrated exceptional dexterity while overseeing the execution of over-the-shore logistics operations into earthquake ravaged Japan during Operation TOMODACHI while simultaneously and seamlessly supporting operations in the CENTCOM area of responsibility (AOR). Additionally, the Defense Transportation Tracking System (DTTS) directorate received the 2010

St. Louis Federal Executive Board's "Team Excellence" award for their expert response to over 200 incidents and emergencies involving the commercial carrier movement of arms, ammunition, and explosives (AA&E) and other sensitive materials on behalf of the DoD. Overall, DTTS personnel effectively tracked over 70,000 high security risk shipments during the past year. Regarding household goods (HHG) movements, SDDC successfully oversaw the movement of well over 500,000 HHG shipments and 80,000 personally owned vehicle shipments in fiscal year 2011 alone. Through collaboration with the US Department of Defense (DoD), the United States Transportation Command (USTRANSCOM), and DoD's commercial moving partners, MG Leonard oversaw the final development and successful implementation of the Defense Personal Property System (DPS) an internet-based system to manage DoD household goods moves. Major General Leonard proved himself to be an able consensus builder as well. His Strategic Planning initiatives integrated the priorities and plans of two four star headquarters achieving significant synergies leading to better and more efficient distribution operations.

SDDC accomplished these achievements and far too many more to mention during Major General Leonard's 19 months of command. Because of Major General Leonard's superb leadership, SDDC has indeed become the recognized and trusted leader in delivering innovative end-to-end deployment and distribution excellence across the full range of military operations.

Major General Leonard's exemplary leadership and selfless devotion to duty has touched fully three generations of Soldiers, Department of the Army Civilians, and their Families. His integrity and credibility are unsurpassed, and his expertise is unquestioned. Major General Leonard's 33 years of service to our Army and the Nation can only be characterized as honorable and distinguished.

Mr. Speaker, on behalf of a grateful nation, I join my colleagues today in saying thank you to Major General Kevin A. Leonard for his extraordinary dedication to duty and service to his country throughout his distinguished career in the United States Army and we wish him, his wife Pam, his daughters Melissa and Jessica, and son Kris, all the best in his well-deserved retirement.

#### PERSONAL EXPLANATION

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. BURTON of Indiana. Mr. Speaker, I was unavoidably detained in Indiana last week due

to family health problems and therefore unable to be on the House Floor for rollcall votes 294 through 314 inclusive.

Had I been present I would have voted: "yea" on rollcall vote 294; "yea" on rollcall vote 295; "yea" on rollcall vote 296; "yea" on rollcall vote 297; "yea" on rollcall vote 298; "yea" on rollcall vote 299; "nay" on rollcall vote 300; "yea" on rollcall vote 301; "nay" on rollcall vote 302; "yea" on rollcall vote 303; "nay" on rollcall vote 304; "yea" on rollcall vote 305; "nay" on rollcall vote 306; "yea" on rollcall vote 307; "nay" on rollcall vote 308; "yea" on rollcall vote 309; "yea" on rollcall vote 310; "yea" on rollcall vote 311; "nay" on rollcall vote 312; "nay" on rollcall vote 313; and "nay" on rollcall vote 314.

#### RECOGNIZING MATT WOODRUM

### HON. STEVE STIVERS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 5, 2012*

Mr. STIVERS. Mr. Speaker, I rise to recognize one of Central Ohio's very own hometown heroes, fifth-grader Matt Woodrum of Worthington, Ohio.

Matt is battling Spastic Cerebral Palsy, but his courage, inner strength, and determination came together in May when he ran and completed a 400-meter race at a Colonial Hill Elementary School field day.

When I learned of Matt's story from a YouTube video that gained worldwide attention, I was particularly moved by his courage and perseverance. The inspiration I felt became two-fold when Matt's classmates surrounded him and cheered by his side all the way to the finish line. The explosion of excitement at the end of the video from the children, parents, and teachers was truly infectious.

I invite all Members of Congress to take a moment to think about the drive and discipline Matt Woodrum demonstrated that day when he charged through the pain of his condition to continue onward and finish that race—one determined step at a time.

I am so proud to represent the people of Central Ohio in Congress, because our communities shine with genuinely kind and selfless heroes like Matt and his classmates. Those same students at Colonial Hill Elementary School will grow up to be the future of our communities in Central Ohio, and their story gave me hope that it will be very, very bright.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S3695–S3738*

**Measures Introduced:** Four bills and seven resolutions were introduced, as follows: S. 3262–3265, S.J. Res. 42, S. Res. 477–481, and S. Con. Res. 45.

**Pages S3728–29**

**Measures Passed:**

**Former Charleston Naval Base Land Exchange Act:** Senate passed S. 2061, to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority, after agreeing to the committee amendments.

**Pages S3735–36**

**Noor and Ramsay Bower:** Senate agreed to S. Res. 477, calling for the safe and immediate return of Noor and Ramsay Bower to the United States.

**Pages S3736–37**

**200th Anniversary of Hamilton College:** Senate agreed to S. Res. 478, commemorating the 200th anniversary of the chartering of Hamilton College in Clinton, New York.

**Pages S3736–37**

**Strategic Air Command Memorial:** Senate agreed to S. Res. 479, commemorating the dedication of the Strategic Air Command Memorial during the 20th anniversary of its stand down.

**Pages S3736–37**

**20th Anniversary of United States Strategic Command:** Senate agreed to S. Res. 480, commemorating the 20th anniversary of United States Strategic Command.

**Pages S3736–37**

**60th Anniversary of the United States-Philippines Mutual Defense Treaty:** Senate agreed to S. Res. 481, celebrating the 60th Anniversary of the United States-Philippines Mutual Defense Treaty and the vitality of the overall bilateral relationship.

**Pages S3737–38**

**Authorizing the Use of Emancipation Hall:** Senate agreed to S. Con. Res. 45, authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

**Page S3738**

**Measures Considered:**

**Paycheck Fairness Act:** Senate continued consideration of the motion to proceed to consideration of S. 3220, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex.

**Pages S3695–S3713, S3713–14**

During consideration of this measure today, Senate also took the following action:

By 52 yeas to 47 nays (Vote No. 115), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill.

**Pages S3713–14**

Subsequently, Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill.

**Page S3714**

Subsequently, the motion to proceed to consideration of the bill was withdrawn.

**Page S3714**

**Agriculture Reform, Food, and Jobs Act—Cloture:** Senate began consideration of the motion to proceed to consideration of S. 3240, to reauthorize agricultural programs through 2017.

**Pages S3714–23**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Thursday, June 7, 2012.

**Page S3714**

**Messages from the House:**

**Page S3728**

**Measures Referred:**

**Page S3728**

**Measures Placed on the Calendar:**

**Page S3728**

**Additional Cosponsors:**

**Pages S3729–31**

**Statements on Introduced Bills/Resolutions:**

**Pages S3731–34**

**Additional Statements:**

**Pages S3725–28**

**Notices of Hearings/Meetings:**

**Page S3734**

**Authorities for Committees to Meet:**

**Pages S3734–35**

**Record Votes:** One record vote was taken today. (Total—115)

**Page S3714**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 6:04 p.m., until 9:30 a.m. on Wednesday, June 6, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3738.)

## Committee Meetings

(Committees not listed did not meet)

### COMBATING POVERTY

*Committee on Finance:* Committee concluded a hearing to examine combating poverty, focusing on understanding new challenges for families, after receiving testimony from Kay Brown, Director, Income Security, Government Accountability Office; Ron Haskins, Brookings Institution Center on Children and Families, Washington, D.C.; and Laura Lein, University of Michigan, Ann Arbor.

### VETERANS EMPLOYMENT AND GOVERNMENT CONTRACTORS

*Committee on Homeland Security and Governmental Affairs:* Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine veterans employment and government contractors, after receiving testimony from Theodore L. Daywalt, VetJobs, Marietta, Georgia; Spencer Kympton, The Mission Continues, St. Louis, Missouri; Ramsey Sulayman, Iraq and Afghanistan Veterans of America, Washington, D.C.; Pamela Hardy, Booz Allen Hamilton, McLean, Virginia; and Sally Sullivan, ManTech International Corporation, Fairfax, Virginia.

### 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.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 10 public bills, H.R. 5889–5898; 1 private bill, H.R. 5899; and 6 resolutions, H.J. Res. 110; and H. Res. 674–678, were introduced. **Page H3480**

**Additional Cosponsors:** **Pages H3481–82**

**Reports Filed:** Reports were filed today as follows:

H.R. 436, to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, with an amendment (H. Rept. 112–514);

H.R. 1004, to amend the Internal Revenue Code of 1986 to increase participation in medical flexible spending arrangements, with an amendment (H. Rept. 112–515);

H.R. 5842, to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements, with an amendment (H. Rept. 112–516); and

H.R. 5858, to amend the Internal Revenue Code of 1986 to improve health savings accounts, and for other purposes, with an amendment (H. Rept. 112–517). **Pages H3479–80**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Smith (NE) to act as Speaker pro tempore for today. **Page H3407**

**Recess:** The House recessed at 12:07 p.m. and reconvened at 2 p.m. **Page H3408**

**Energy and Water Development and Related Agencies Appropriations Act, 2013:** The House resumed consideration of H.R. 5325, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2013, which began on Thursday, May 31st. Further proceedings were postponed.

**Pages H3409–23, H3424–32, H3444–47, H3451–78**

Agreed by unanimous consent that, during further consideration of H.R. 5325 in the Committee of the Whole pursuant to House Resolution 667, no further amendment to the bill may be offered except those appearing in a list submitted to the desk.

**Pages H3423–24**

Agreed to:

Welch amendment (No. 7 printed in the Congressional Record of May 31, 2012) that makes such sums available to the Secretary of Energy as may be necessary to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act;

**Page H3419**

Kaptur amendment that prohibits funds from being used to plan for the termination of periodic nourishment for any water resource development

project described in section 156 of the Water Resources Development Act of 1976, as amended by the Water Resources Development Act of 1986;

**Pages H3451–52**

Young (AK) amendment that prohibits funds from being used to implement section 10011(b) of Public Law 111–11;

**Page H3452**

Blackburn amendment that prohibits funds from being used to provide new loan guarantees or loan guarantee commitments under section 1705 of the Energy Policy Act of 2005;

**Page H3454**

Jackson Lee (TX) amendment that prohibits funds from being used in contravention of the Department of Energy Organization Act;

**Pages H3455–57**

Cravaack amendment (No. 17 printed in the Congressional Record of June 1, 2012) that prohibits funds from being used by the Department of Energy to require grant recipients to replace any lighting that does not meet or exceed the energy efficiency standard set forth in section 325 of the Energy Policy and Conservation Act;

**Page H3460**

Cravaack amendment that prohibits funds from being used to develop or submit a proposal to expand the authorized uses of the Harbor Maintenance Trust Fund;

**Pages H3460–61**

Harris amendment (No. 18 printed in the Congressional Record of June 1, 2012) that prohibits funds from being used to fund any portion of the International program activities at the Office of Energy Efficiency and Renewable Energy of the Department of Energy with the exception of the activities authorized in section 917 of the Energy Independence and Security Act;

**Page H3461**

Burgess amendment (No. 10 printed in the Congressional Record of June 1, 2012) that prohibits funds from being used to (1) implement or enforce section 430.32(x) of title 10, Code of Federal Regulations or (2) to implement or enforce the standards established by the tables contained in section 325(i)(1)(B) of the Energy Policy and Conservation Act with respect to BPAR incandescent reflector lamps, BR incandescent reflector lamps, and ER incandescent reflector lamps;

**Pages H3461–62**

Luetkemeyer amendment that prohibits funds from being used to continue the study conducted by the Army Corps of Engineers pursuant to section 5018(a)(1) of the Water Resources Development Act of 2007 (agreed by unanimous consent that the earlier request for a recorded vote be withdrawn to the end that the Chair put the question de novo);

**Pages H3457–58, H3465**

Engel amendment that prohibits funds from being used by the Department of Energy or any other Federal agency to lease or purchase new light duty vehicles, for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential

Memorandum-Federal Fleet Performance, dated May 24, 2011;

**Page H3465**

Jordan amendment that prohibits funds from being used by the Department of Energy to issue or administer new loan guarantees for renewable energy systems, electric power transmission systems, or leading edge biofuel projects as defined by section 1705 of the Energy Policy Act of 2005;

**Pages H3470–71**

Graves (MO) amendment (No. 1 printed in the Congressional Record of May 31, 2012) that prohibits more than \$50,000,000 from being used for the Missouri River Recovery Program;

**Pages H3471–72**

Landry amendment that prohibits funds from being used within the borders of the State of Louisiana by the Mississippi Valley Division or the Southwestern Division of the Army Corps of Engineers or any district of the Corps within such divisions to implement or enforce the mitigation methodology referred to as the “Modified Charleston Method”;

**Pages H3472–73**

Landry amendment that prohibits funds from being used to carry out section 801 of the Energy Independence and Security Act of 2007;

**Pages H3473–74**

Brooks amendment that prohibits funds made available for the Advanced Research Projects Agency—Energy from being used for unallowable costs related to advertising or promoting the sale of products or services in contravention of the requirements of section 31.205–1, or for unallowable expenditures related to raising capital in contravention of the requirements of 31.205–27, of title 48 of the Code of Federal Regulations;

**Page H3474**

Schweikert amendment that prohibits funds from being used to enforce part 429 or 430 of title 10, Code of Federal Regulations, with respect to showerheads;

**Pages H3474–75**

Fortenberry amendment that prohibits funds from being used to finalize, implement, or enforce the proposed rule entitled “Energy Conservation Program: Energy Conservation Standards for Battery Chargers and External Power Supplies” (77 Fed. Reg. 18478 (March 27, 2012)) with respect to product class 7; and

**Page H3476**

Flores amendment that prohibits funds from being used to enforce section 526 of the Energy Independence and Security Act of 2007.

**Pages H3476–78**

Rejected:

Pearce amendment that sought to increase funding, by offset, for Defense Environmental Cleanup by \$40,000,000;

**Pages H3425–26**

McClintock amendment (No. 3 printed in the Congressional Record of May 31, 2012) that sought to reduce funding for construction and expansion activities under Nuclear Energy by \$514,391,000, and

apply the savings to the spending reduction account (by a recorded vote of 106 ayes to 281 noes, Roll No. 315);

**Pages H3409–10, H3444–45**

Hirono amendment that sought to increase funding, by offset, for the Advanced Research Projects Agency—Energy by \$133,400,000 (by a recorded vote of 131 ayes to 257 noes, Roll No. 316);

**Pages H3410–12, H3445–46**

McClintock amendment (No. 5 printed in the Congressional Record of May 31, 2012) that sought to reduce funding for Fossil Energy Research and Development by \$554,000,000 and apply the savings to the spending reduction account (by a recorded vote of 138 ayes to 249 noes, Roll No. 317); and

**Pages H3412–13, H3446–47**

Matheson amendment that sought to increase funding, by offset, for Non-Defense Environmental Cleanup by \$9,600,000 (by a recorded vote of 152 ayes to 235 noes, Roll No. 318).

**Pages H3415–16, H3447**

Point of Order sustained against:

Jackson Lee (TX) amendment that sought to increase funding, by offset, for the Army Corps of Engineers for Operation and Maintenance by \$52,000,000.

**Pages H3463–64**

Proceedings Postponed:

Connolly amendment that seeks to reduce funding for Fossil Energy Research and Development by \$25,000,000 and apply the savings to the spending reduction account;

**Pages H3413–14**

Shimkus amendment that seeks to increase funding, by offset, for the Nuclear Regulatory Commission by \$10,000,000;

**Pages H3416–18**

Loretta Sanchez amendment that seeks to increase funding, by offset, for Defense Nuclear Nonproliferation by \$16,000,000;

**Pages H3418–19**

Polis amendment that seeks to reduce funding for National Nuclear Security Administration—Weapons Activities by \$298,221,000 and apply the savings to the spending reduction account;

**Pages H3419–20**

Burgess amendment that seeks to reduce funding for Defense Nuclear Nonproliferation by \$100,000,000 and apply the savings to the spending reduction account;

**Pages H3420–23**

Fortenberry amendment that seeks to redirect \$17,319,000 in funding within Defense Nuclear Nonproliferation;

**Pages H3424–25**

Luján amendment that seeks to increase funding, by offset, for Defense Environmental Cleanup by \$21,899,000;

**Page H3426**

Chabot amendment that seeks to eliminate funding for the Appalachian Regional Commission, the Delta Regional Authority, the Denali Commission, the Northern Border Regional Commission, and the Southeast Crescent Regional Commission and apply

the \$99,348,000 in savings to the spending reduction account;

**Pages H3429–30**

Reed amendment that seeks to increase funding, by offset, for Non-Defense Environmental Cleanup by \$36,000,000;

**Pages H3430–31**

Kucinich amendment that seeks to prohibit funds from being used to provide new loan guarantees under section 1703 of the Energy Policy Act of 2005 and reduce the funds appropriated for the Title 17 Innovative Technology Loan Guarantee Program by \$33,000,000;

**Pages H3452–54**

Blackburn amendment that seeks to reduce each amount made available by this Act by 1%;

**Pages H3454–55**

Jackson Lee (TX) amendment that seeks to increase funding, by offset, for Energy Efficiency and Renewable Energy by \$10,000,000;

**Pages H3458–59**

Luetkemeyer amendment that seeks to prohibit funds from being used for the study of the Missouri River Projects authorized in section 108 of the Energy and Water Development and Related Agencies Appropriations Act, 2009;

**Pages H3459–60**

Tipton amendment that seeks to prohibit funds from being used to conduct a survey in which money is included or provided for the benefit of the responder;

**Pages H3462–63**

Rohrabacher amendment that seeks to prohibit funds from being used for the U.S. China Clean Energy Research Center;

**Pages H3464–65**

Stearns amendment that seeks to prohibit funds from being used by the Department of Energy to subordinate any loan obligation to other financing in violation of section 1702 of the Energy Policy Act of 2005 or to subordinate any Guaranteed Obligation to any loan or other debt obligations in violation of section 609.10 of title 10 of the Code of Federal Regulations;

**Pages H3465–66**

Jackson Lee (TX) amendment that seeks to increase funding, by offset, for the Army Corps of Engineers—Construction by \$10,000,000;

**Pages H3466–67**

Mulvaney amendment that seeks to reduce each amount made available by this Act by 24%, except for certain specified accounts;

**Pages H3467–68**

King (IA) amendment that seeks to prohibit funds from being used to implement, administer, or enforce the requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act); and

**Pages H3468–70**

Lummis amendment that seeks to prohibit funds from being used to plan or undertake sales or any other transfers of natural or low enriched uranium

from the Department of Energy that combined exceed 1,917 metric tons of uranium as uranium hexafluoride equivalent in fiscal year 2013.

**Pages H3475–76**

H. Res. 667, the rule providing for consideration of the bills (H.R. 5743), (H.R. 5854), (H.R. 5855), and (H.R. 5325), was agreed to on Thursday, May 31st.

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

**Central Oregon Jobs and Water Security Act:** H.R. 2060, amended, to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon;

**Pages H3432–34**

**Three Kids Mine Remediation and Reclamation Act:** H.R. 2512, amended, to provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site;

**Pages H3434–37**

**Lake Thunderbird Efficient Use Act:** H.R. 3263, to authorize the Secretary of the Interior to allow the storage and conveyance of nonproject water at the Norman project in Oklahoma;

**Pages H3437–38**

**Authorizing the conveyance of certain National Forest System lands in the Los Padres National Forest in California:** H.R. 241, amended, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California;

**Pages H3438–39**

**Amending the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System:** H.R. 1740, amended, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System;

**Pages H3441–42**

**York River Wild and Scenic River Study Act:** H.R. 2336, amended, to amend the Wild and Scenic Rivers Act to designate segments of the York River and associated tributaries for study for potential inclusion in the National Wild and Scenic Rivers System;

**Pages H3442–43**

**Providing for the conveyance of certain land inholdings owned by the United States to the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona:** H.R. 4222, amended, to provide for the conveyance of certain land inholdings owned by the United States to the Tucson Unified

School District and to the Pascua Yaqui Tribe of Arizona; and

**Page H3443**

**International Child Support Recovery Improvement Act of 2012:** H.R. 4282, amended, to amend part D of title IV of the Social Security Act to ensure that the United States can comply fully with the obligations of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.

**Pages H3447–51**

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed:

**Salmon Lake Land Selection Resolution Act:** S. 292, to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act and

**Pages H3439–40**

**Authorizing the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi:** S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi.

**Pages H3440–41**

**Recess:** The House recessed at 6:08 p.m. and reconvened at 6:30 p.m.

**Pages H3443–44**

**Correcting a technical error in Public Law 112–122:** The House agreed to discharge and pass H.R. 5890, to correct a technical error in Public Law 112–122.

**Page H3444**

**Making a technical correction in Public Law 112–108:** The House agreed to discharge and pass H.R. 5883, to make a technical correction in Public Law 112–108.

**Page H3444**

**Authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines:** The House agreed to discharge and agree to H. Con. Res. 128, to authorize the use of Emancipation Hall in the Capitol Visitor Center for an event to award the Congressional Gold Medal, collectively, to the Montford Point Marines.

**Page H3444**

**Notice of Intent to Offer Motion:** Representative Flake announced his intent to offer a motion to instruct conferees on H.R. 4348.

**Page H3444**



**Notice of Intent to Offer Motion:** Representative Doggett announced his intent to offer a motion to instruct conferees on H.R. 4348. **Page H3447**

**Amendments:** Amendments ordered printed pursuant to the rule appear on pages H3482.

**Quorum Calls—Votes:** Four recorded votes developed during the proceedings of today and appear on pages H3445, H3445–46, H3446, and H3447. There were no quorum calls.

**Adjournment:** The House met at 12 noon and adjourned at 11:04 p.m.

## Committee Meetings

No hearings were held.

## Joint Meetings

No joint committee meetings were held.

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## COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 6, 2012

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Appropriations:* Subcommittee on Department of Defense, to hold hearings to examine outside witness statements, 10 a.m., SD–192.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine implementing Wall Street reform, focusing on enhancing bank supervision and reducing systemic risk, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine the European Union Emissions Trading System, 2:30 p.m., SR–253.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Michele Jeanne Sison, of Maryland, to be Ambassador to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador to the Republic of Maldives, Brett H. McGurk, of Connecticut, to be Ambassador to the Republic of Iraq, and Susan Marsh Elliott, of Florida, to be Ambassador to the Republic of Tajikistan, all of the Department of State, 10 a.m., SD–419.

*Committee on the Judiciary:* to hold hearings to examine ensuring that Federal prosecutors meet discovery obligations, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of Terrence G. Berg, to be United States District Judge for the Eastern District of Michigan, Jesus G. Bernal, to be United States District Judge for the Central District of California, Lorna G. Schofield, to be United States District Judge for the Southern District of New York, and Grande Lum, of California, to be Director, Community Relations Service, 2:30 p.m., SD–226.

*Special Committee on Aging:* to hold hearings to examine pensions, focusing on preventing fraud and protecting America's veterans, 2 p.m., SD–562.

### House

*Committee on Appropriations,* Subcommittee on Agriculture, markup of Agriculture Appropriations Bill FY 2013, 10 a.m., 2361–A Rayburn.

Subcommittee on Financial Services, markup of Financial Services Appropriations Bill FY 2013, 11 a.m., 2362–B Rayburn.

*Committee on the Budget,* Full Committee, hearing entitled “The Congressional Budget Office’s Long-Term Budget Outlook”, 10 a.m., 210 Cannon.

*Committee on Energy and Commerce,* Subcommittee on Energy and Power, hearing entitled “EPA Enforcement Priorities and Practices”, 10 a.m., 2322 Rayburn.

Subcommittee on Communication and Technology, hearing entitled “The Future of Audio”, 10:15 a.m., 2123 Rayburn.

Subcommittee on Commerce, Manufacturing, and Trade, begin markup of H.R. 5865, the “American Manufacturing Competitiveness Act of 2012”; and H.R. 5859, to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting, 4 p.m., 2123 Rayburn.

*Committee on Financial Services,* Full Committee, hearing on H.R. 4624, the “Investment Adviser Oversight Act of 2012”, 10 a.m., 2128 Rayburn.

Subcommittee on Financial Institutions and Consumer Credit, hearing entitled “An Examination of the Federal Reserve’s Final Rule on the CARD Act’s ‘Ability to Repay’ Requirement”, 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Africa, Global Health, and Human Rights, hearing entitled “The U.S. State Department’s Inadequate Response to Human Rights Concerns in Bolivia: The Case of American Jacob Ostreicher”, 10 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, hearing entitled “What’s Next for the U.S.-Korea Alliance?”, 1:30 p.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “Investigating Waste, Fraud and Abuse in Afghanistan”, 2 p.m., 2200 Rayburn.

*Committee on Homeland Security,* Full Committee, markup of H.R. 4251, the “SMART Port Security Act”; and Committee Activity Report, 10 a.m., 311 Cannon.

Subcommittee on Emergency Preparedness, Response, and Communications, hearing “The National Preparedness Report: Assessing the State of Preparedness”, 12 p.m., 311 Cannon.

*Committee on the Judiciary,* Full Committee markup of the following measures: H.R. 4377, the “Responsibly And Professionally Invigorating Development (RAPID) Act of 2012”; H.R. 4018, the “Public Safety Officers’ Benefits Improvements Act of 2012”; H.R. 3668, the “Counterfeit Drug Penalty Enhancement Act of 2011”; H.R. 4223, the “Safe Doses Act”; H.R. 4369, the “Furthuring Asbestos Claim Transparency (FACT) Act of

2012”; and H.R. 5889 the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012”, 11 a.m., 2141 Rayburn.

*Committee on Natural Resources*, Subcommittee on Water and Power, hearing on the “Accelerated Revenue and Repayment Act”; and S. 997, the “East Bench Irrigation District Water Contract Extension Act”, 2 p.m., 1334 Longworth.

*Committee on Oversight and Government Reform*, Full Committee, hearing entitled “Addressing Concerns About the Integrity of the U.S. Department of Labor’s Jobs Reporting”, 9:30 a.m., 2154 Rayburn.

*Committee on Rules*, Full Committee, hearing on H.R. 436, the “Protect Medical Innovation Act of 2011”; and H.R. 5882, the “Legislative Branch Appropriations Act, 2013”, 3 p.m., H-313 Capitol.

*Committee on Science, Space, and Technology*, Subcommittee on Space and Aeronautics, hearing entitled “An Examination of FAA’s Launch Indemnification Program”, 10 a.m., 2318 Rayburn.

Subcommittee on Energy and Environment, hearing entitled “EPA’s Impact on Jobs and Energy Affordability: Understanding the Real Costs and Benefits of Environmental Regulations”, 2 p.m., 2318 Rayburn.

*Committee on Small Business*, Full Committee, hearing entitled “SBA’s Management of its Capital Access Programs”, 2 p.m., 2360 Rayburn.

*Committee on Veterans’ Affairs*, Full Committee, hearing entitled “Through the Looking Glass: Return to PPV”, 10:30 a.m., 334 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, hearing on the following measures: H.R. 2355, the “Hallowed Grounds Act”; H.R. 2996, the “Gulf War Syndrome ‘Presumptive Illness’ Extension Act of 2011”; H.R. 4299, the “Quality Housing for Veterans Act”; H.R. 5735, to provide for the establishment of a Tomb of Remembrance at Arlington National Cemetery for interment of cremated fragments of the remains of members of the Armed Forces killed in Afghanistan, Iraq, or a subsequent conflict when the fragments are unidentifiable by use of DNA testing or other means because of the condition of the fragments, are unclaimed, or are identified and authorized by the person designated to direct disposition of the remains for internment in such memorial; H.R. 5880, the “Veterans Disability Examination Access Improvement Act”; H.R. 5881, the “Access to Veterans Benefits Improvement Act”; and H.R. 2720, to clarify the role of the Department of Veterans Affairs in providing a benefit or service related to the interment or funeral of a veteran, and for other purposes, 2 p.m., 334 Cannon.

*Next Meeting of the SENATE*

9:30 a.m., Wednesday, June 6

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, June 6

## Senate Chamber

**Program for Wednesday:** The Majority Leader will be recognized. The Majority Leader intends to continue consideration of the motion to proceed to consideration of S. 3240, Agriculture Reform, Food, and Jobs Act.

## House Chamber

**Program for Wednesday:** Resume consideration of H.R. 5325—Energy and Water Development and Related Agencies Appropriations Act, 2013.

## Extensions of Remarks, as inserted in this issue

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# Congressional Record

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