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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 23, 2012.

I hereby appoint the Honorable ANDY HARRIS 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.

GUN CONTROL

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

Mr. BLUMENAUER. Imagine the headline, ''Outbreak of Serious Illness Strikes; 12 People Killed, 58 Hospitalized,'' just like similar outbreaks, but the Federal Government prohibits the Centers for Disease Control from investigating.

Or another headline, ''70 Trapped in a Collapsed Building, 20 Dead or Critically Injured,'' and your government makes it illegal for government organizations to collect data to study what could be done to solve it, to minimize this carnage in the future.

People would be justifiably outraged. They expect government to protect them and to help understand the nature of threats in the workplace, the marketplace, or in our homes. At some level, we want to know about why cars malfunction or if there are patterns of disease, illness, injury, or mechanical failure.

That is what our government is supposed to do. If food safety, mine safety, or TSA fails, there would be calls for accountability. Sadly, that's not what is happening as the Nation recoils in anguish at another outbreak of gun violence. The 70 killed or wounded are the latest in a pattern that happens repeatedly, predictably, with overall loss of life being in the tens of thousands over the years.

What is as appalling as the loss of life is the fact that we not only refuse to do anything about it, but we allow political bullies to intimidate us from even researching the facts.

Now, there's never been a threat in this country that sportsmen will not be able to hunt or target shoot, that false specter raised by the gun lobby so successfully that today there's virtually no gun protection. But that doesn't stop the number one gun advocacy group, the National Rifle Association, from making things up, creating phony threats to gun ownership.

They're attacking the Obama administration, which has done, essentially, nothing in this field since they know that Congress would reject even the most reasonable of proposals. It has been impossible, for example, to even close the gun show loophole, where people can get unlimited amounts of guns without a background check.

The NRA is at work to make sure that people on the ''no fly list'' because they are threats to national security can purchase guns, that data cannot be shared between ATF and Homeland Security dealing with potential terrorists.

The NRA argues that all we need is for existing gun laws to be enforced, while they systematically set about to dismantle what laws we have and then defund even feeble government enforcement efforts.

Anyone who looks at the background of the recent so-called Fast and Furious controversy finds that, in part, the Bureau of Alcohol, Tobacco, and Firearms is dysfunctional because it's constantly under assault by the NRA for its most modest steps and most minimal budgets. We cannot even study gun violence, patterns, causes, and potential solutions.

While I didn't know anybody in Aurora, this most recent tragic, senseless rampage touches home for me. As I was growing up, a young man in a family that I was close to was killed by an act of random gun violence.

As I've followed the issues over the years, I continue to feel that there's no reason to permit armor-piercing, cop-killer bullets to be sold like Tic Tacs; that automatic weapons should be available over the counter with hundred-bullet magazines like the killer in Colorado had that facilitate such sprees. These things have no useful purpose in sports activities or target shooting.

I find it appalling that we, as citizens, have enabled Congress to act in a spineless fashion, to be taken over in the area of gun safety by the NRA; that we refuse to deal with something that has serious law enforcement implications so that we, alone, in the developed world are most at risk for random gun violence. Any time there's a mass killing spree, I hope against hope for a more enlightened reaction.

Perhaps the gun owners themselves, the majority of whom disagree with the NRA's extreme positions, will join with politicians, business, the health

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community to come together to deal with an epidemic of gun violence in the way we would treat any other threat to the safety of our families and our communities. We would study, we would work on solutions together, and we would act.

Sadly, we're still waiting.

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 6 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. HARRIS) at 2 p.m.

PRAYER

Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, D.C., offered the following prayer:

Creating God, we come together today in a simple prayer. May we be who we are created to be, reflections of Your image. May we live as we know we should, as caretakers of creation. May we participate in the purpose of life, as companions to God and to one another. May we truly embrace the equality of humanity as ''self-evident'' and know that just beneath the surface of disagreement, conflict, discord, and even violence and death, there is a deep river of grace, love, and forgiveness that truly binds us. May this stream of eternal presence be solace for any pain in our lives; but, more importantly, inspiration and hope of reconciliation and peace in personal relationships, in our Nation, and throughout the world.

May the deliberations and decisions of this day and all days take place in the spirit of common good, the spirit in which we are created.

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 Maryland (Mr. SARBANES) come forward and lead the House in the Pledge of Allegiance.

Mr. SARBANES 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.

AFFORDABLE CARE ACT—FISCAL CALAMITY IN WAITING

(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, almost a month after the Supreme Court has issued its decision on the so-called Affordable Care Act, we have all had time to think and dissect their opinion and start to predict how this landmark ruling will affect each and every one of us.

I respect the role of the Court and the decision of the Justices, but I can't help but tell you I was disappointed the entire law was upheld. I do believe the Affordable Care Act is detrimental to our Nation. Certainly it has been a wet blanket on our economy, and it is a real threat to the future of medicine in America. Since the passing of the law over 2 years ago, we have seen the strain it has placed on our economy. The pricetag continues to increase, sometimes staggeringly so. There are provisions which discourage small businesses from hiring, not to mention the commensurate government regulations.

Today, the Congressional Health Care Caucus held a panel discussion on what was one of its many panel discussions on the current state of health care. Karen Ignagni, president and chief executive officer of America's Health Insurance Plans, has said that the health care law won't work unless it is changed or delayed. I couldn't agree more. Dan Danner from the National Federation of Independent Businesses was also present, and he said there has got to be a way to get price signals to people so they can participate in the cost of their care.

The structure of this law, through the combination of new fees coupled with weak penalties for those who choose to not purchase will force the young and healthy to shoulder the majority of the financial burden of expansion. Mr. Speaker, we must do away with this thing.

TURKISH OCCUPATION OF CYPRUS IS OFFENSE TO HUMAN DIGNITY

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

Mr. SARBANES. Mr. Speaker, I rise today to mark the 38th year of Turkey's invasion and occupation of the Republic of Cyprus. I do so only days after Cyprus assumed the 6-month presidency of the European Union, yet Turkey, an EU candidate country, refuses to recognize the Cypriot presidency and has acted to freeze its communications with the European Union.

Since 1974, Turkey has engaged in the systematic destruction of the island's Hellenic, Christian, and Turkish Cypriot heritage. This year, the U.S. Commission on International Religious Freedom placed Turkey on its watch list ''as a country of particular concern.''

The presence of 45,000 Turkish troops on the island, along with over 200,000 Turkish colonialists, is an offense to human dignity.

Mr. Speaker, it is time for Turkey to meet the expectations of the international community by ending its decades-long occupation of Cyprus.

NATION JOINS COLORADO IN MOURNING VICTIMS OF SENSELESS VIOLENCE

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

Mr. POLIS. Mr. Speaker, my home State of Colorado had a tragedy over the weekend, a mass murder that will forever remain on the minds of all Coloradans and all Americans. The tragedy extends beyond those who were killed and those who were injured to our friends, our neighbors, everybody impacted by this senseless act of terror in my home State. I would like to thank President Obama for joining the families impacted in mourning. I would like to thank all of those in Colorado and across the country who have sent their thoughts, their care, their resources to all of us in Colorado in a time of need.

This also should serve as an occasion for all of us to acknowledge what is special and important in our lives, to celebrate every day we have on this planet, the health of our family, our own health and safety, and hope and pray to God that the tragedy that impacted Colorado will not happen again in Colorado or anywhere else.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on July 20, 2012, at 4:07 p.m., and said to contain a message from the President whereby he notifies the Congress concerning the national emergency with respect to Somalia.

With best wishes, I am

Sincerely,

KAREN L. HAAS,
Clerk of the House.

NATIONAL EMERGENCY WITH RESPECT TO SOMALIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–126)

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') taking additional steps with respect to the national emergency declared in Executive Order 13536 of April 12, 2010 (E.O. 13536).

In E.O. 13536, I found that that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the arms embargo imposed by the United Nations Security Council in Resolution 733 of January 23, 1992, and elaborated upon and amended by subsequent resolutions, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To address that threat, E.O. 13536 blocks the property and interests in property of persons listed in the Annex to E.O. 13536 or determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet criteria specified in E.O. 13536.

In view of United Nations Security Council Resolution 2036 of February 22, 2012, and Resolution 2002 of July 29, 2011, I am issuing the order to take additional steps to deal with the national emergency declared in E.O. 13536 and to address exports of charcoal from Somalia, which generate significant revenue for al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia, all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia.

The order prohibits the importation into the United States, directly or indirectly, of charcoal from Somalia. It also amends the designation criteria specified in E.O. 13536. As amended by the order, E.O. 13536 provides for the designation of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to:

Have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to:

Acts that threaten the Djibouti Agreement of August 18, 2008, or the political process;

acts that threaten the Transitional Federal Institutions or future Somali governing institutions, the African Union Mission in Somalia (AMISOM), or other future international peacekeeping operations related to Somalia; or

acts to misappropriate Somali public assets;

have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

have directly or indirectly supplied, sold or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities;

be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of acts of violence targeting civilians in Somalia, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals, taking hostages, and forced displacement;

be a political or military leader recruiting or using children in armed conflict in Somalia;

have engaged, directly or indirectly, in the import or export of charcoal from Somalia on or after February 22, 2012;

have materially assisted, sponsored, or provided financial, material, logistical or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in property are blocked pursuant to E.O. 13536; or

be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13536.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. In view of United Nations Security Council Resolution 2002 of July 29, 2011, persons who engage in non-local commerce via al-Shabaab-controlled ports that constitutes support for a person whose property and interests in property are blocked pursuant to E.O. 13536 may be subject to designation pursuant to E.O. 13536, as amended by the order.

The order was effective at 2:00 p.m. eastern daylight time on July 20, 2012. I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *July 20, 2012*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3:30 p.m. today.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1531

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 3 o'clock and 31 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

PROVIDING FOR LAND EXCHANGE BETWEEN TRINITY PUBLIC UTILITIES DISTRICT, BUREAU OF LAND MANAGEMENT, AND THE SIX RIVERS NATIONAL FOREST

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1237) to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND EXCHANGE, TRINITY PUBLIC UTILITIES DISTRICT, TRINITY COUNTY, CALIFORNIA, THE BUREAU OF LAND MANAGEMENT, AND THE FOREST SERVICE.

(a) LAND EXCHANGE REQUIRED.—If the Trinity Public Utilities District of Trinity County, California (in this section referred to as the ''Utilities District'') conveys to the Secretary of Agriculture all right, title, and interest of the Utilities District in and to the parcel of land described in subsection (b)(1) and conveys to the Secretary of the Interior all right, title, and interest of the Utilities District in and to the parcel of land described in subsection (b)(2), the Secretary of Agriculture shall convey to the Utilities District, in exchange, all right, title, and interest of the United States in and to a parcel of land in the Shasta-Trinity National Forest in the State of California consisting of approximately 100 acres near the Weaverville Airport in Trinity County.

(b) LAND TO BE ACQUIRED.—

(1) FOREST SERVICE ACQUISITION.—The land to be acquired by the Secretary of Agriculture under subsection (a) consists of approximately 150 acres, known as the Van Duzen parcel, within the boundaries of the Six Rivers National Forest.

(2) BLM ACQUISITION.—The land to be acquired by the Secretary of the Interior under subsection (a) consists of approximately 47 acres, known as the Sky Ranch parcel, adjacent to public land administered by the Redding Field Office of the Bureau of Land Management.

(c) AVAILABILITY OF MAPS AND LEGAL DESCRIPTIONS.—Any map prepared by the Secretary of Agriculture or the Secretary of the Interior in connection with the land exchange required by subsection (a), and the legal description of the lands to be exchanged, shall be on file and available for public inspection in the Office of the Chief of the Forest Service and the appropriate office of the Bureau of Land Management. With the agreement of the parties to a conveyance under subsection (a), the Secretary concerned may make technical corrections to the map and legal descriptions.

(d) LAND EXCHANGE PROCESS.—Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716) shall apply to the land conveyances under this section, except that—

(1) if the value of the land described in paragraphs (1) and (2) of subsection (b) is less than the value of the land to be conveyed to the Utilities District, any cash equalization payments received by the Secretaries shall be deposited in the General Treasury; and

(2) if the value of the land described in paragraphs (1) and (2) of subsection (b) is greater than the value of the land to be conveyed to the Utilities District, no cash equalization payment may be made to the Utilities District and the acreage of the land involved in the exchange may be adjusted to equalize the value of the exchange.

(e) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be exchanged under subsection (a) shall be determined by a survey satisfactory to the Secretary concerned. The Utilities District shall be responsible for the costs of the survey and reasonable administrative costs related to the land exchange.

(f) MANAGEMENT OF ACQUIRED LAND.—

(1) FOREST SERVICE ACQUISITION.—The land acquired by the Secretary of Agriculture under subsection (a) shall be added to and administered as part of the Six Rivers National Forest and managed in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and the laws and regulations applicable to the National Forest System.

(2) BLM ACQUISITION.—The land acquired by the Secretary of the Interior under subsection (a) shall be administered as public land by the Redding Field Office of the Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and the laws and regulations applicable to public land administered by the Bureau of Land Management.

(g) COMPLETION OF LAND EXCHANGE.—The Secretary of Agriculture shall complete the conveyance of National Forest System land required by subsection (a) not later than one year after the date on which the Utilities District offers to make the conveyances to the Secretary of Agriculture and the Secretary of the Interior described in such subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) 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. 1237, authored by our friend from California (Mr. HERGER), authorizes a land exchange between the Trinity County Public Utilities District, the Forest Service, and the Bureau of Land Management in northern California.

The utilities district currently owns a parcel of land within the city of Weaverville that is cut off by the surrounding Federal land. The utilities district would like to acquire approximately 100 acres of the national forest to consolidate its holdings and guarantee access for future use of the property near the Weaverville Airport. In exchange for this parcel, the utilities district will convey about 150 acres it currently owns to the Six Rivers National Forest and approximately 50 acres to the Bureau of Land Management.

Passage of this legislation will allow additional opportunity for economic development in remote Trinity County, California, while allowing the Forest Service to consolidate its land base and the Bureau of Land Management to acquire a prime recreational site.

The suspension text makes a minor amendment to the bill to conform to House rules by specifying that any cash equalization payments for the parcels that may be paid to the Secretary must be deposited in the general fund of the Treasury. It also requires that no cash equalization payment may be paid to the utilities district.

With that, Mr. Speaker, I reserve the balance of my time.

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

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

Mr. SABLAN. Mr. Speaker, H.R. 1237 provides for the exchange of land between the Trinity Public Utilities District in California, the United States Forest Service, and the Bureau of Land Management. We do not object to this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 5 minutes to the author of this legislation and somebody that this body will miss, as he is retiring at the end of this session, the gentleman from California (Mr. HERGER).

Mr. HERGER. I thank my good friend.

Mr. Speaker, I rise to urge support for H.R. 1237, a noncontroversial land exchange bill I introduced to provide for greater economic opportunities in Trinity County, located in the northern California congressional district I represent. With a 19 percent unemployment rate, this rural community faces significant economic challenges.

The Trinity County Public Utilities District owns property surrounded by land administered by the Bureau of Land Management and the Forest Service. The TPUD seeks to economically improve one parcel near the Weaverville Airport, but it currently cannot do so because it is landlocked by the Forest Service.

This legislation would transfer 47 acres of the district's property near the Trinity River, known as Sky Ranch, to the Bureau of Land Management and 150 acres within Six Rivers National Forest, known as Van Duzen, to the Forest Service. The district would receive a parcel of equal value from the Shasta-Trinity National Forest that surrounds their site at the airport.

This land exchange would benefit the Federal Government as well by consolidating BLM and Forest Service holdings and increasing the efficiency of managing the land. This would allow the TPUD to develop the property and enhance economic opportunities for the community.

Trinity County faces significant challenges attracting businesses because the Federal Government currently owns 75 percent of the available land—over 1.5 million acres—limiting the availability of land for commercial use.

The county also faces significant economic challenges because government mismanagement and lawsuits from fringe groups have shut down responsible stewardship and management of the county's vast timber resources. This decline in management has been devastating to the timber industry and has had a multiplier effect on the county's economy, with severe impacts on schools, infrastructure, and small retail businesses.

In closing, I strongly believe that these resources belong to the people, and local needs should drive their management. Sensible land exchanges like the one this legislation would implement would have the twofold benefit of making Federal land management more efficient while providing local communities with greater access to their natural resources.

I want to thank Chairman HASTINGS and Ranking Member GRIJALVA for their efforts on behalf of this commonsense bill, and I urge my colleagues to vote for it.

Mr. SABLAN. Mr. Speaker, may I inquire if Chairman HASTINGS has any additional speakers at this time?

Mr. HASTINGS of Washington. Mr. Speaker, I have no more requests for time. If the gentleman is prepared to close, I'll close.

Mr. SABLAN. Mr. Speaker, again, like I said, we have no objection to this legislation, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is a good piece of legislation, and I congratulate the gentleman for his introduction and getting this far.

With that, I urge adoption 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, H.R. 1237, 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.

Y MOUNTAIN ACCESS ENHANCEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4484) to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4484

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 ''Y Mountain Access Enhancement Act''.

SEC. 2. LAND CONVEYANCE, UINTA-WASATCH-CACHE NATIONAL FOREST, UTAH.

(a) CONVEYANCE REQUIRED.—On the request of Brigham Young University submitted to the Secretary of Agriculture not later than one year after the date of the enactment of this Act, the Secretary shall convey, not later than one year after receiving the request, to Brigham Young University all right, title, and interest of the United States in and to an approximately 80-acre parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah consisting of the SE¼SE¼ of Section 32, T. 6 S., R. 3 E., and Lot 4 of Section 5, T. 7 S., R. 3 E., Salt Lake Base & Meridian. The conveyance shall be subject to valid existing rights and shall be made by quitclaim deed.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the land conveyed under subsection (a), Brigham Young University shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) DEPOSIT.—The consideration received by the Secretary under paragraph (1) shall be deposited in the general fund of the Treasury to reduce the Federal deficit.

(c) GUARANTEED PUBLIC ACCESS TO Y MOUNTAIN TRAIL.—After the conveyance under subsection (a), Brigham Young University represents that it will—

(1) continue to allow the same reasonable public access to the trailhead and portion of the Y Mountain Trail already owned by Brigham Young University as of the date of the enactment of this Act that Brigham Young University has historically allowed; and

(2) allow that same reasonable public access to the portion of the Y Mountain Trail and the ''Y'' symbol located on the land described in subsection (a).

(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Brigham Young University shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) 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, this bill is authored by our colleague from Utah (Mr. CHAFFETZ). H.R. 4484 authorizes the Forest Service to convey 80 acres, known as Y Mountain, to Brigham Young University.

□ 1540

Y Mountain is the location of the renowned white block ''Y'' in Provo, overlooking the Utah Valley and the BYU campus. The Y was constructed in 1906 and has been a celebrated part of the Utah landscape ever since.

Currently, BYU owns and maintains the trailhead and much of the trail leading up to the 380-foot tall by 130-foot wide landmark. The remaining property is owned by the Forest Service but it is used by the university under a permit which has typically been renewed every 10 years.

With this legislation, the university will guarantee its ability to maintain the Y and surrounding grounds without the risk of losing the right through the permitting process.

Finally, the legislation requires that BYU pay fair market value and continue to allow public access to the Y as it has done for decades.

With that, I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, I yield myself as much time as I may consume.

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

Mr. SABLAN. Mr. Speaker, H.R. 4484 provides for the conveyance of approximately 80 acres of Forest Service lands to Brigham Young University. We do not object to this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Utah (Mr. CHAFFETZ), the author of this legislation.

Mr. CHAFFETZ. Mr. Speaker, I am proud to introduce this piece of legislation. It's common sense. I think it's something that should be widely accepted.

I also appreciate the bipartisan nature in which we introduce this bill. Mr. FALEOMAVAEGA was important to this, Mr. FLAKE and Mr. MCKEON, and I appreciate the bipartisan nature in which we introduced this bill.

As you go into Utah County, up on the eastern side of the valley there, there's this big Y representing Brigham Young University. It's a mainstay in our community and something that we're all proud of. It's also something that is easily accessible to hikers. Year-round, people will hike up this trail as they pass up and go up to enjoy a day up on the side of the mountain.

And really, in an effort to make sure that this is properly maintained, there's continuity of maintenance. This really does make sense. It's interesting, because that portion, that 80 acres that we talk about today was once owned by Brigham Young University, and that was then transferred into a trust and, over the course of time, many decades ago it was actually transferred to the Forest Service. And so, now, to actually sell it back, have that money deposited back into the Treasury to help reduce our deficit, Brigham Young University paying fair market value for that, makes sense in terms of keeping the continuity in place, making sure that the trail is well-maintained, that it's clean. It's something that people in Utah and other people coming to our State like to enjoy on a regular basis.

So the bill would restore ownership to Brigham Young University, provide long-term certainty by removing any questions about who owns the land and who is responsible for maintaining the trail, and I look forward to the passage of this.

It's important to our community, and I think a good win-win for the Federal Government as well as the residents there, particularly in Utah County.

Mr. SABLAN. Mr. Speaker, I yield the gentleman from American Samoa (Mr. FALEOMAVAEGA) as much time as he may consume.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the distinguished chairman of our committee, DOC HASTINGS, and our ranking member, Mr. MARKEY, for their leadership in support of this proposed legislation.

I especially want to thank my good friend and colleague, the chief sponsor of this legislation, the gentleman from Utah (Mr. CHAFFETZ).

I rise today, Mr. Speaker, in support of H.R. 4484, the Y Mountain Access

Enhancement Act, which would direct the U.S. Department of Agriculture to sell 80 acres of U.S. Forest Service land of an area known for years by the residents of Provo, Utah, as the ''Y Mountain'' to Brigham Young University.

Y Mountain, which is located directly east of the BYU campus, includes a trail that leads 1.2 miles from the mountain's base up to a large white concrete Y on the mountain's hillside that was built over 100 years ago. The Y, which is 380 feet high by 130 feet wide, is even larger than Los Angeles' famous Hollywood sign and serves as an insignia for Brigham Young University.

Mr. Speaker, I am a proud alumnus of Brigham Young University. The Y has always been a symbol of pride for us, the alumni, the faculty, the student body, and the Provo community. It reminds us of what BYU students and alumni strive for and continue to advocate for future generations: ''Enter to learn, and go forth to serve.''

The Y is illuminated five times a year, including at freshman orientation, homecoming, graduations in April and August, as well as Y Days, which celebrate BYU's week of service activities, dating back to the school's tradition of whitewashing the Y. It is a nationally recognized symbol of BYU sports, especially its football tradition.

BYU's athletic program is essentially important for all Pacific Islanders who have been given the opportunity, through athletic scholarships, to further their education here in the United States.

Mr. Speaker, BYU once owned the entire area surrounding the Y and the Y Mountain Trail, and the university also currently manages the U.S. Forest Service portion of the trail.

H.R. 4484, however, proposes that the Federal Government sell the Y Mountain at fair market value to BYU, and mandates that proceeds of the sale be used to reduce the Federal budget deficit. The bill also guarantees that public access to the Y and the Y Mountain Trail be maintained following the sale.

It is my strong belief, Mr. Speaker, that permitting BYU to purchase this property would result in better maintenance of the trail and mountain. Given the immense source of pride in the Y Mountain, BYU ownership of the property would only result in improved maintenance, cleanliness, safety, and access for the public. Transfer of ownership would also allow the university to preserve a significant monument for future generations of students and members of the community.

Mr. Speaker, again, I thank my colleagues and especially the gentleman from Utah, as the chief sponsor of this legislation. I urge my colleagues to support this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I'd advise my friend from the Northern Mariana Islands that I have no more requests for time, and I'm prepared to close if he is.

Mr. SABLAN. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is again, a good piece of legislation. I urge its adoption.

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. 4484, 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.

RENAMING THE JAMAICA BAY WILDLIFE REFUGE VISITOR CONTACT STATION IN HONOR OF JAMES L. BUCKLEY

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5958) to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAMING OF JAMAICA BAY WILDLIFE REFUGE VISITOR CONTACT STATION, JAMAICA BAY WILDLIFE REFUGE UNIT, GATEWAY NATIONAL RECREATION AREA.

(a) NAMING.—The Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in the State of New York shall be known and designated as the ''James L. Buckley Visitor Contact Station''.

(b) REFERENCES.—Any reference in any statute, rule, regulation, Executive order, publication, map, paper, or other document of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the James L. Buckley Visitor Contact Station.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) 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 add extraneous material to 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 as much time as I may consume.

Mr. Speaker, H.R. 5958 was introduced by our colleague from New York (Mr. TURNER) to honor Senator James L. Buckley for his many contributions to America and to the State of New York. The bill recognizes, in particular, his role in establishing the Jamaica Bay Wildlife Refuge and the Gateway National Recreation Area. Senator Buckley was the sponsor of the legislation that created the park and, obviously, participated in the floor debate in the Senate.

Even before his historic election to the Senate as the candidate of the New York Conservative Party, Senator Buckley spoke out in favor of protecting this natural area in the shadow of New York City and from its use as an airport extension.

Senator Buckley is one of the few Americans to have served in the top levels of all three branches of the U.S. Government. In addition to his election to the Senate seat once held by Robert Kennedy, Buckley served as Under Secretary of State, President of Radio Free Europe and Radio Liberty, and judge of the U.S. Court of Appeals for the D.C. Circuit, generally held to be the second-highest court in our judicial system.

□ 1550

Naming the visitors' center and the wildlife refuge after Senator Buckley is a particularly fitting tribute, and he is a lifelong naturalist and birder. This is good legislation.

I reserve the balance of my time.

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

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

Mr. SABLAN. H.R. 5958 renames the Jamaica Bay Wildlife Refuge Visitor Contact Station to the James L. Buckley Visitor Contact Station. We do not object to this legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 4 minutes to the author of this legislation, the gentleman from New York (Mr. TURNER).

Mr. TURNER of New York. Mr. Speaker, I rise in strong support of H.R. 5958, which recognizes Senator James L. Buckley for his service to our country and for his efforts to create the Gateway National Recreation Center in New York and New Jersey by renaming the visitors' center in Jamaica Bay Wildlife Refuge of the Gateway National Recreation Area in his honor.

Senator James L. Buckley has been a true public servant, who served at the highest levels of all three branches of government as well as in the United States Navy during World War II. Along with his fellow New York Senator, Jacob Javits, Senator Buckley had the vision to create a national wildlife refuge center in an urban area, accessible to millions of people in New York City as well as to millions of other residents in the metropolitan area.

In 1970, during his first days in the Senate, Buckley joined Senator Javits

in introducing legislation to create Gateway, a more than 26,000-acre area spanning three boroughs and stretching all the way to Sandy Hook, New Jersey. This year, as it celebrates its 40th anniversary, Gateway welcomes more than 8 million visitors annually.

From the historic aircraft at hangar B in Floyd Bennett Field to America's oldest lighthouse that was established in 1767 in Sandy Hook, New Jersey, Gateway offers a unique piece of history for its visitors. Gateway National Park has also provided ornithologists—birders and birdwatchers—like Senator Buckley and myself, a glimpse of the more than 325 species of birds that stop over as part of the Atlantic Flyway, which stretches from the north of Canada to the Caribbean.

Senator Buckley's environmental interests were not limited to New York. He cosponsored the 1972 Clean Water Act, which is the seminal law governing water pollution and contamination. He also cosponsored the Grand Canyon National Park Enlargement Act, which protected the majesty of one of our Nation's greatest national habitats.

Senator Buckley was also prescient and eloquent by pointing out how technology and the environment can evolve together. He stressed that we can concentrate on developing environmental programs at achievable rates and costs. He said, ''We must learn how modern technology can coexist with the natural world.''

So I hope you will join me in honoring someone who has served to protect his State, his country, and the environment. Passing H.R. 5958 would be a fitting tribute to a man who spent most of his life sharing his intellect and talent in the service of others.

Mr. SABLAN. Mr. Speaker, I have no further requests for time. If the gentleman has no further speakers, I yield back the balance of my time.

Mr. HASTINGS of Washington. This is a good piece of legislation, Mr. Speaker. I urge its adoption.

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. 5958.

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.

WOOD-PAWCATUCK WATERSHED PROTECTION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3388) to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3388

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 ''Wood-Pawcatuck Watershed Protection Act''.

SEC. 2. BEAVER, CHIPUXET, QUEEN, WOOD, AND PAWCATUCK RIVERSSTUDY.

(a) 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:

''(____) BEAVER, CHIPUXET, QUEEN, WOOD, AND PAWCATUCK RIVERS, RHODE ISLAND AND CONNECTICUT.—The approximately 10-mile segment of the Beaver River from its headwaters in Exeter, Rhode Island, to its confluence with the Pawcatuck River; the approximately 5-mile segment of the Chipuxet River from Hundred Acre Pond to its outlet into Worden Pond; the approximately 10-mile segment of the upper Queen River from its headwaters to the Usquepaugh Dam in South Kingstown, Rhode Island, and including all its tributaries; the approximately 5-mile segment of the lower Queen (Usquepaugh) River from the Usquepaugh Dam to its confluence with the Pawcatuck River; the approximately 11-mile segment of the upper Wood River from its headwaters to Skunk Hill Road in Richmond and Hopkinton, Rhode Island, and including all its tributaries; the approximately 10-mile segment of the lower Wood River from Skunk Hill Road to its confluence with the Pawcatuck River; the approximately 28-mile segment of the Pawcatuck River from Worden Pond to Nooseneck Hill Road (RI Rte 3) in Hopkinton and Westerly, Rhode Island; and the approximately 7-mile segment of the lower Pawcatuck River from Nooseneck Hill Road to Pawcatuck Rock, Stonington, Connecticut, and Westerly, Rhode Island.''.

(b) 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:

''(____) BEAVER, CHIPUXET, QUEEN, WOOD, AND PAWCATUCK RIVERS, RHODE ISLAND AND CONNECTICUT.—Not later than 3 years after the date on which funds are made available to carry out this paragraph, the Secretary of the Interior shall—

''(A) complete the study of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers, Rhode Island and Connecticut, described in subsection (a)(____);

''(B) submit a report describing the results of that study to the appropriate committees of Congress;

''(C) include in the report under subparagraph (B) the effect of the designation under this Act on—

''(i) existing commercial and recreational activities, such as hunting, fishing, trapping, recreational shooting, motor boat use, or 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 encompassed in clauses (i) and (ii); and

''(D) 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 the area studied is designated under this Act;

''(ii) all authorities that the Secretary may use to condemn property if the area studied is designated under this Act; and

''(iii) all private property located in the area studied under this provision.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) 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 to add 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. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3388, authored by our colleague from Rhode Island (Mr. LANGEVIN), would authorize the study of 86 miles of rivers in the States of Connecticut and Rhode Island for a potential addition to the National Wild and Scenic Rivers System.

The Natural Resources Committee amended the legislation to specifically require that the study consider any potential limitations on existing uses and any impacts to private property that could occur with an eventual designation. These are important protections and are necessary for this study bill to move forward. With that, it is a good piece of legislation.

I reserve the balance of my time.

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

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

Mr. SABLAN. This legislation authorizes the National Park Service to study roughly 86 miles of rivers in Connecticut and Rhode Island for possible designation as Wild and Scenic Rivers.

The Wild and Scenic Rivers program currently protects the free-flowing condition of more than 12,000 miles of rivers in 38 States. Unfortunately, this is less than 1 quarter of 1 percent of the rivers in the United States. In contrast, more than 75,000 large dams restrict the flow of roughly 600,000 miles of river. This is about 17 percent of the river miles in this country.

Mr. LANGEVIN is to be commended for his hard work on behalf of his constituents and the natural resources within his State.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I am very pleased to yield 4 minutes to the author of this legislation, the gentleman from Rhode Island (Mr. LANGEVIN).

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

Mr. LANGEVIN. I want to thank the gentleman for yielding.

I would like to thank Ranking Member GRIJALVA and Chairman BISHOP and their staffs for working to bring this

bill to the committee and to the floor today. I would like to thank my good friend, Congressman COURTNEY of Connecticut, who has been an outstanding partner in this effort. I would also like to thank all of those back in Rhode Island who have worked to bring this bill to fruition, including the Wood-Pawcatuck Watershed Association, Save the Bay, The Nature Conservancy, the Rhode Island Department of Environmental Management, and the Connecticut Department of Environmental Protection.

Mr. Speaker, the Wood-Pawcatuck Watershed Protection Act proposes a study of segments of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in Rhode Island and Connecticut for potential addition to the National Wild and Scenic Rivers System. Rhode Island and Connecticut have long been outstanding stewards of these rivers, so I hope the passage and completion of this study will affirm what we who live near these rivers already know, which is that they possess outstanding recreational, natural, and historical qualities that make them worthy of the designation of ''Wild and Scenic Rivers.''

As a nation, we are privileged to have access to a diverse system of wilderness areas, not only in the remote expanses of our country but also close to home—in our backyard wilderness. The rivers of the Wood-Pawcatuck watershed are within a 45-minute drive for every Rhode Islander, easily accessible for family outings and school field trips. The people of Rhode Island and Connecticut have long enjoyed the recreational and scenic wealth of the Wood-Pawcatuck, and we are eager to share this natural treasure with the rest of New England and the Nation.

These rivers are not only an important part of our national heritage; they are a critical part of our economy, which relies on the health of our waters. The Wood-Pawcatuck watershed offers diverse destinations for tourism, which is a vital industry to Rhode Island and Connecticut, and these rivers offer exceptional trout fishing, canoeing, photography, and bird watching opportunities, with adjacent hiking and camping our for sportsmen. Accordingly, the study will not only review the special character of the river, but it will fully engage with local government, landowners, and businesses to recognize the existing commercial and recreational activities on or adjacent to the watershed.

With that, Mr. Speaker, the Wild and Scenic Rivers Act offers the best guarantee that the Wood-Pawcatuck will be here for future generations to enjoy. The passage of this study is an important first step along that path. The rivers of the Wood-Pawcatuck watershed contain outstanding recreational, scenic, and natural heritage qualities that would be an excellent addition to the National Wild and Scenic Rivers System. I urge my colleagues to support the passage of this bill.

Again, I want to thank the members of the committee, especially the chair and the ranking member, for bringing the bill to the floor, and I thank Mr. HASTINGS and also Mr. SABLAN for their assistance with this as well.

□ 1600

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from the Northern Marianas that I have no more requests for time, and I'm prepared to close if he is.

Mr. SABLAN. I have no additional speakers, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, as I mentioned, this is good legislation, and I urge its adoption.

With that, 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. 3388, 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.

INDIAN TRIBAL TRADE AND INVESTMENT DEMONSTRATION PROJECT ACT OF 2011

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2362) to facilitate economic development by Indian tribes and encourage investment by Turkish enterprises, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the ''Indian Tribal Trade and Investment Demonstration Project Act of 2011''.

(b) FINDINGS.—Congress finds that—

(1) the public and private sectors in the Republic of Turkey have demonstrated a unique interest in bolstering cultural, political, and economic relationships with Indian tribes and tribal members;

(2) uneconomic regulatory, statutory, and policy barriers are preventing more robust relationships between the Turkish and Indian tribal communities; and

(3) it is in the interest of Indian tribes, the United States, and the United States–Turkey relationship to remove or ameliorate these barriers through the establishment of an Indian Tribal Trade and Investment Demonstration Project.

(c) PURPOSE.—The purposes of this Act are—

(1) to remove or ameliorate certain barriers to facilitate trade and financial investment in Indian tribal economies;

(2) to encourage increased levels of commerce and economic investment by private entities incorporated in or emanating from the Republic of Turkey or other World Trade Organization member nations; and

(3) to further the policy of Indian self-determination by strengthening Indian tribal economies and political institutions in order to raise the material standard of living of Indians.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPLICANT.—The term ''applicant'' means an Indian tribe or a consortium of Indian tribes that submits an application under this Act seeking participation in the demonstration project.

(2) CONSORTIUM.—The term ''consortium'' means an organization of two or more entities, at least one of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the consortium pursuant to this Act.

(3) DEMONSTRATION PROJECT.—The term ''demonstration project'' means the trade and investment demonstration project authorized by this Act.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(5) ORGANIZATION.—The term ''organization'' means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established in order to participate in the demonstration project authorized by this Act.

(6) PARTICIPATING INDIAN TRIBE.—The term ''participating Indian tribe'' means an Indian tribe selected by the Secretary from the applicant pool.

(7) PROJECT; ACTIVITY.—The terms ''project'' and ''activity'' mean a community, economic, or business development undertaking that includes components that contribute materially to carrying out a purpose or closely related purposes that are proposed or approved for assistance under more than one Federal program.

(8) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 3. INDIAN TRIBAL TRADE AND INVESTMENT DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Secretary shall authorize Indian tribes or consortia selected under section 4 to participate in a demonstration project under this Act, which shall be known as the ''Indian Tribal Trade and Investment Demonstration Project''.

(b) LEAD AGENCY.—The Department of the Interior shall be the lead agency for purposes of carrying out the demonstration project.

(c) TRIBAL APPROVAL OF LEASES.—Notwithstanding any other provision of law, and in the discretion of a participating Indian tribe or consortium, any lease of Indian land held in trust by the United States for a participating Indian tribe (or an Indian tribe in a consortium) entered into under this Act to carry out a project or activity shall not require the approval of the Secretary if the lease—

(1) is entered into in furtherance of a commercial partnership involving one or more private entities incorporated in or emanating from the Republic of Turkey or other World Trade Organization member nations;

(2) is entered into not later than 3 years after the date of the enactment of this Act;

(3) is not for the exploration, development, or extraction of any mineral resources;

(4) does not include lease of land or an interest in land held in trust for an individual Indian;

(5) is executed under the tribal regulations approved by the Secretary under this Act; and

(6) has a term that does not exceed 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years.

(d) ACTIVITIES TO BE CONDUCTED ON LEASED LANDS.—Indian land held in trust by the

United States for the benefit of a participating Indian tribe (or an Indian tribe in a consortium) may be leased for activities consistent with the purposes of this Act, including business and economic development, public, educational, or residential purposes, including the development or use of natural resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by the Secretary.

(e) APPROVAL OF TRIBAL REGULATIONS.—

(1) IN GENERAL.—The Secretary shall approve a tribal regulation issued for the purposes of subsection (c)(4), if the tribal regulation—

(A) is consistent with regulations, if any, issued by the Secretary pursuant to the Act of August 9, 1955 (25 U.S.C. 415(a)); and

(B) provides for an environmental review process that includes—

(i) the identification and evaluation of any significant effects of the proposed action on the environment; and

(ii) a process for ensuring that—

(I) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the participating Indian tribe or consortium; and

(II) the participating Indian tribe or consortium provides responses to relevant and substantive public comments on those impacts before the participating Indian tribe or consortium approves the lease.

(2) SECRETARIAL REVIEW.—

(A) IN GENERAL.—Not later than 120 days after the date on which the tribal regulations under this subsection are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves such tribal regulations, the Secretary shall include written documentation with the disapproval notification that describes the basis for the disapproval.

(C) EXTENSION.—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the participating Indian tribe or consortium.

(f) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding subsection (e)(2), if a participating Indian tribe or consortium carries out a project or activity funded by a Federal agency, the participating Indian tribe or consortium may rely on the environmental review process of the applicable Federal agency rather than any tribal environmental review process under this subsection.

(g) DOCUMENTATION.—If a participating Indian tribe or consortium executes a lease pursuant to tribal regulations approved under this section, the participating Indian tribe or consortium shall provide the Secretary with—

(1) a copy of the lease, including any amendments or renewals to the lease; and

(2) in the case of tribal regulations or a lease that allows for lease payments to be made directly to the participating Indian tribe or consortium, documentation of the lease payments that are sufficient to enable the Secretary to discharge the trust responsibility of the United States under subsection (h).

(h) TRUST RESPONSIBILITY.—

(1) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a lease executed under this Act.

(2) AUTHORITY OF SECRETARY.—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to an Indian tribe under Federal law, including regulations, the Secretary may, upon reasonable notice from the Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by a participating Indian tribe or consortium under this Act.

(i) COMPLIANCE.—

(1) IN GENERAL.—An interested party, after exhausting applicable tribal remedies, may submit a petition to the Secretary, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of a participating Indian tribe or consortium with any tribal regulations approved by the Secretary under this Act.

(2) VIOLATIONS.—If, after carrying out a review under paragraph (1), the Secretary determines that the tribal regulations were materially violated, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of Indian lands.

(3) DOCUMENTATION.—If the Secretary determines under this paragraph that a violation of tribal regulations has occurred and a remedy is necessary, the Secretary shall—

(A) make a written determination with respect to the regulations that have been violated;

(B) provide the applicable participating Indian tribe or consortium with a written notice of the alleged violation together with such written determination; and

(C) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of lease approval responsibilities, provide the applicable participating Indian tribe or consortium with—

(i) a hearing that is on the record; and

(ii) a reasonable opportunity to cure the alleged violation.

SEC. 4. SELECTION OF PARTICIPATING INDIAN TRIBES.

(a) PARTICIPANTS.—The Secretary may select not more than 12 Indian tribes or consortia from the applicant pool described in subsection (b) to submit an application to be a participating Indian tribe or consortium.

(b) APPLICANT POOL.—The applicant pool described in this subsection shall consist of each Indian tribe or consortium that—

(1) requests participation in the demonstration project through a resolution or other official action of the tribal governing body or, in the case of a consortium, a resolution or other official action of each Indian tribe that is a member of the consortium; and

(2) demonstrates, for the 3 fiscal years immediately preceding the fiscal year for which participation is requested, financial stability and financial management capability as demonstrated by a showing by the Indian tribe or consortium that there were no material audit exceptions in the required annual audit of the Indian Self-Determination and Education Assistance Act contracts or Tribal Self Governance Act compacts of the Indian tribe or consortium.

SEC. 5. APPLICATION REQUIREMENTS, REVIEW, AND APPROVAL.

(a) REQUIREMENTS.—An Indian tribe or consortium selected under subsection (a) may submit to the Secretary an application that—

(1) identifies the activities to be conducted by the Indian tribe or consortium;

(2) describes the revenues, jobs, and related economic benefits and other likely consequences to the Indian tribe or consortium, its members, the investors, and the surrounding communities to be generated as a result of the activities identified in paragraph (1); and

(3) is approved by the governing body of the Indian tribe or consortium, including, in the case of an applicant that is a consortium of Indian tribes, the governing body of each affected member Indian tribe.

(b) REVIEW AND APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of an application under subsection (a), the Secretary shall inform the applicant, in writing, of the approval or disapproval of the application.

(2) DISAPPROVAL.—If an application is disapproved, the written notice shall identify the reasons for the disapproval and the applicant shall be provided an opportunity to amend and resubmit the application to the Secretary.

SEC. 6. REPORT TO CONGRESS.

Not later than 3 years after the date of the enactment of this Act, the Secretary shall prepare and submit to Congress a report that includes—

(1) a description of the economic benefits and other consequences to participating Indian tribes, their members, and surrounding communities as a result of the economic activities and financial investment engendered by the demonstration project; and

(2) observations drawn from the implementation of this Act and recommendations reasonably designed to improve the operation or consequences of the demonstration project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Marianas (Mr. SABLAN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. 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. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2362 is authored by our colleague from Oklahoma (Mr. COLE).

We continue to be reminded that it takes months and years for the Bureau of Indian Affairs to approve simple lease agreements. For years, many tribes have pleaded with Congress to let them manage their lands with less Federal supervision. The bureaucratic redtape is often cited as the main culprit for the lack of economic development on reservations.

Last week, the Senate passed H.R. 205, the HEARTH Act. The HEARTH Act promotes greater tribal self-determination by allowing tribes to govern their own regulations governing certain leasing of their lands. H.R. 2362, as amended, would give tribes additional options in attracting economic development. The Indian Tribal Trade and Investment Demonstration Project Act would allow any Federally recognized tribe to engage in business with companies of any World Trade Organization member country. It's a good start. It is something that we should be addressing more aggressively.

With that, I urge adoption of this legislation, and I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I thank my ranking member.

I rise to oppose H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act. To put it quite simply, there is no good reason for passage of this legislation. In fact, there are a whole bunch of reasons why this legislation should fail today.

First, I would like to say that I strongly support efforts to bring economic prosperity to Indian Country. I've been a longtime advocate of Indian Country's right and power to exercise their sovereignty and pursue economic development in the ways they choose. That is why I was glad to vote for H.R. 205, the HEARTH Act.

The HEARTH Act permits all tribes, not just a select few, to engage in leasing activities without Federal oversight under certain circumstances. Under the HEARTH Act, tribes can engage in these activities with both domestic and foreign entities. Furthermore, the HEARTH Act enjoys strong bipartisan support and passed this body on May 15 by a vote of 400–0. The bill then passed the Senate by unanimous consent, and it now only awaits the President's signature.

In contrast, H.R. 2362 singles out the Republic of Turkey for preferential treatment. Anyone who questions this just needs to turn to the bill itself which states its purposes as ''to facilitate economic development by Indian tribes and encourage investment by Turkish enterprises.'' If this bill didn't give Turkey special preference, what would be the point? It would be entirely duplicative to what will be law in just a few days.

The Republic of Turkey, Mr. Speaker, acts increasingly hostile to U.S. interests and has a long history of human rights violations. Turkey is not a country that should be receiving preferential treatment in any sense, and certainly not explicitly approved by this Congress. Turkey has yet to acknowledge the fact of the Armenian genocide and reconcile itself with its own history. The Armenian genocide is the first genocide of the 20th century. It's a dark chapter in history, but it must be remembered and reaffirmed. That's why we must not stand by as the Republic of Turkey continues their policy of denying the 20th century's first genocide.

It is also very appropriate to remember that this past Friday marked the 38th anniversary of the illegal occupation of northern Cyprus by Turkey. On July 20, 1974, Turkey invaded Cyprus in violation of international law, and at great cost to the citizens of Cyprus. Turkish troops continue to occupy Cyprus illegally, and the invasion forced nearly 200,000 Greek Cypriots to flee their homes.

The EU member Cypriot government has made strong efforts to bring this ongoing occupation to a peaceful settlement. However, the Turkish government from afar continues to push against such peace negotiations. In fact, Turkey has used its bases in northern Cyprus to harass Israeli merchant vessels peacefully engaged, in cooperation with the Cypriot Government, on oil and gas exploration. It has even threatened U.S. companies.

I have just presented a couple of examples as to why Turkey's policies fly in the face of solid moral standing and threaten U.S. interests abroad. Legislating preferential treatment for Turkey would be a mistake and only signal that genocide denial, illegal occupation of U.S. allies, and other anti-U.S. policies will be tolerated.

I'm proud to say that this Congress has passed legislation that gives tribes more flexibility in entering into lease agreements that will promote economic development and future vitality. Today's bill does not advance this cause. It would simply put Turkey on a pedestal, and I urge my colleagues to oppose this bill and vote ''no.''

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 5 minutes to the author of this legislation, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I thank the gentleman for yielding.

H.R. 2362 is simply a bill to facilitate economic development in Indian Country and to expand the range of options open to some of the poorest and most disadvantaged of Americans, the first Americans.

Currently, as my friend Mr. HASTINGS pointed out, economic development is often hampered in Indian Country by restrictive leasing practices on Indian reservations. H.R. 2362 directs the Secretary of the Interior to create a demonstration project for up to six tribes engaged in economic development with foreign companies and foreign countries. Tribes will develop the guidelines for their own economic activity with these entities, the Secretary will approve them, and we will over time learn how to do business between Indian tribes and foreign countries. Frankly, that is something we know comparatively little about. One of the things that comes out of this is a development by the Secretary of the Interior of recommendations and best practices, something which needs to be done in this area.

We have tried in the course of this legislation to recognize the concerns raised by some people about it. There's no question that I was approached by the Turkish American Coalition, who have a deep interest in Turkey and American Indians. It has been for many hundreds of years. This goes back a long way. They're the only country that has actually sent a national delegation to an Indian economic development conference. There are scholarships for Native American students at the Istanbul Technical Institute. There's a constant movement of tribal citizens going back and forth. This interest, apart from these other disputes, is real and genuine and deep. We've accepted some of the concerns that were voiced in subcommittee. There is no preferential status for Turkey in this bill. All 155 World Trade Organization countries will have exactly the same opportunity.

It's important to note, I think, that this bill is strongly supported in Indian Country. Maybe we should listen to Indians about what's best for their own economic development. The National Congress of American Indians supports this bill, the National American Indian Housing Council supports this bill, the National Center for American Indian Enterprise Development supports this bill. Numerous tribes support this bill. Perhaps they are the real experts here that we should be listening to.

Passage of this bill would normally be a routine matter in this House. Frankly, due to the strong Turkish interest and support for the bill, we have a number of ethnic communities in the United States that have voiced objections. I think that's always legitimate and always appropriate. But sadly, as I pointed out, some of these objections don't have much merit. Again, this is not special legislation for Turkey. All 155 World Trade Organizations can participate. That includes the folks that are so concerned about this.

□ 1610

Second, the idea that passing the HEARTH bill—which, by the way, I strongly supported, cosponsored, came down here and argued for. I think it's a wonderful piece of legislation. It's largely silent, save for one phrase. On foreign investment, we do not have a lot of experience here. It would be helpful to have demonstration projects. It would be good to have the Secretary of the Interior involved more deeply.

And third—and I hope this isn't the case. I have heard recently that there is even a sheet going around—perhaps not true; I hope not—that suggests this legislation will cost domestic manufacturing jobs. You've got to be kidding. Putting jobs on Indian reservations is going to take American jobs away? Who were the first Americans? So again, the arguments, I think, largely do not address the legislation.

I understand something about historical grievances and controversies. I'm the only Native American in this House right now. My great-great-grandfather, when he was 13 years old, was forced to move from Mississippi, where his people had lived for 500 years, to avoid being placed under State restriction. His lands were confiscated. They were guaranteed new land in Indian territory in the West. He arrived—nothing. Started it up being, actually, the clerk of the Chickasaw supreme court. His son, my great-grandfather, was treasurer at the time of the Dawes Commission when—guess

what—those treaties that were going to last forever were revoked again by the United States Government. Indian territory was opened up, over the objection of the tribes, to white settlement, and Indian governments were ground down.

My family has spent much of the time since that time working with other Chickasaws and other Native Americans to see tribal sovereignty restored and those rights given back. That's why I cochair the Native American Caucus. That's why, when the tribal law and order bill came to this floor, where there were concerns on our side about process, I got the Republican votes that were necessary to pass it. That is why I was the Republican lead sponsor of the Cobell settlement. That's why I've worked with this administration—which, by the way, has a great record on Native American affairs—on the Carcieri bill.

So I understand grievances, and I understand the legitimacy of expressing them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. COLE. I thank the gentleman.

But legislation must be relevant to the historical experience that we're talking about, and we ought to look for opportunities to turn old enemies into new friends. I try to do that on this floor every day.

This legislation has nothing to do with ancient or current disputes between Turkey and Armenia or Greece. This bill is about helping American Indians. We ought to put aside the disputes of the Old World and focus on helping the original inhabitants of the New World, which is exactly what this legislation will do.

Mr. SABLAN. Mr. Speaker, at this time, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from the Northern Mariana Islands has 16½ minutes remaining.

Mr. SABLAN. Mr. Speaker, at this time, I yield 4 minutes to the gentleman from American Samoa, a member of the committee.

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

Mr. FALEOMAVAEGA. Every word that's been spoken by the gentleman from Oklahoma, not only as the chief author and the sponsor of this legislation, but something that I think my colleagues in the House need to be reminded of, this has nothing to do with whatever current feuds are going on between Armenia and Turkey. That is totally irrelevant to the bill that we are discussing here this afternoon. If we talk about past criminalities and acts that were done against the American Indians, Mr. Speaker, I don't know if my colleagues realize that the Government of the United States of America signed 389 treaties with the American Indians. And guess what. We broke every one of those treaties. So let's talk about fairness.

I rise in strong support of H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011.

First, I want to thank the gentleman from Washington, the chairman of our committee, and also the gentleman from Massachusetts (Mr. MARKEY) for their support. And I especially want to thank my good friend, the only American Indian that we have in this body, a proud member of the Chickasaw Nation of the State of Oklahoma, my good friend and buddy, TOM COLE. Not only is he the cochair of our American Indian Congressional Caucus, but he is also a real gentleman that knows what he's talking about.

Mr. Speaker, despite the recent success of some tribes in creating successful gaming enterprises, pursuant to the 1988 Indian Gaming Regulatory Act, to a large extent, Indian tribes still face extreme economic conditions. This is due in part to the perception by private lenders and investors that risky conditions prevail in Indian Country. Because of the Federal trust status, Indian lands and resources are perceived as risky for collateral, and even loans and burdensome regulations restrict and impede efforts to improve economic conditions on tribal lands.

Mr. Speaker, we have unemployment as high as 80 percent among some of these tribes. In terms of any incentives given them to provide greater economic development, Mr. Speaker, this legislation solves this problem, and we need to give them these tools so that these tribes could better make economic improvements in their situation.

Mr. Speaker, our Federal Government has a trust obligation to our Indian brothers and sisters. A couple of years ago, I was pleased to work with Senator INOUYE, my good friend from Hawaii, on legislation that will give Indian tribes access to many tools such as development capital, loans to Indian enterprises, and a host of other authorized activities, with the purpose of creating an environment that is conducive to Indian Country economic development. Today I continue to remain steadfast in my support and am willing to work with my colleagues in Congress to make improvements in this area.

Again, I commend my good friend Mr. COLE for his leadership. The bill before us today will create the Indian Tribal Trade and Investments Demonstration project within the Department of the Interior to include up to six Indian tribes for this pilot program. These tribes will be able to lease land currently held in trust by Federal land to conduct such activities including business and economic development; public, educational, or residential purposes; et cetera. Moreover, the bill will streamline the archaic and burdensome—you know, even just to get a lease agreement with the Federal Government, some of these tribes have had to wait for 10 years. They couldn't even get this done through the regulatory process. These are the problems that we're faced with.

Mr. Speaker, I ask my colleagues, pass this legislation. And again, I commend and thank my good friend, the gentleman from Oklahoma, for his leadership and bringing this legislation before us for consideration and approval.

I rise today in support of H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011. First, I want to thank the gentleman from the State of Oklahoma, and my good friend, Mr. TOM COLE, for his authorship of this important piece of legislation that will facilitate economic development by Indian tribes and encourage investment by foreign companies.

Mr. Speaker, despite the recent success of some Indian tribes in creating successful gaming enterprises pursuant to the 1988 Indian Gaming Regulatory Act, to a large extent, Indian tribes still face extreme economic conditions. This is due in part to the perception by private lenders and investors that risky conditions prevail in Indian country. Because of the Federal Trust Status, Indian lands and resources are perceived as risky for collateral, and even loans and burdensome regulations restrict and impede efforts to improve economic conditions on tribal land.

Mr. Speaker, according to recent statistics from the U.S. Department of Commerce, the overall poverty rate for American Indians/Alaska Natives, including children, is higher than that for the total U.S. population. The fact is, many of our Indian brothers and sisters remain stuck in poverty. With unemployment rates of up to 80-percent in some tribal communities, Indian tribes must find creative ways to foster economic growth and generate jobs and economic prosperity in these struggling communities.

Mr. Speaker, our Federal Government has a trust obligation to our Indian brothers and sisters. A couple of years ago, I was pleased to work with the Senator from Hawaii, and my good friend, Senator INOUYE on legislation that will give Indian tribes access to many tools, such as development capital, loans to Indian enterprises, and a host of other authorized activities, with the purpose of creating an environment that is conducive to Indian country economic development. Today, I continue to remain steadfast in my support and am willing to work with my colleagues in Congress, to ensure that our federal trust obligation to the Indian tribes is uphold.

Again, I commend Mr. TOM COLE for his leadership. The bill before us today will create the Indian Tribal Trade and Investment Demonstration Project within the U.S. Department of the Interior to include up to six Indian tribes or consortia. These tribes will be able to lease land currently held in trust by the federal land to conduct such activities including business and economic development; public, educational, or residential purposes; development or use of natural resources in connection with operations under such leases; and grazing and farming activities.

Moreover, the bill will streamline the archaic and burdensome federal regulations in place for leasing, to make it easier for Indian Tribes to partner with foreign companies that engage

in economic development on tribal lands. While H.R. 2362 was initially developed because of Turkey's interest in working with Indian tribes, I am pleased to know that all 155 World Trade Organization countries will have the same investment opportunities.

Mr. Speaker, this bill embodies our federal government trust obligation to the economic condition of the Indian tribes and I urge my colleagues to support H.R. 2362.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank the gentleman from Washington for yielding time.

I want to associate myself with the words of my very capable and articulate colleague from Oklahoma (Mr. COLE), the author of this legislation. As he said, this should be a routine bill to be passed on suspension on the basis of his comments alone. However, some have chosen to try to divert, to take us away from the subject at hand of this bill.

I support H.R. 2362, an important bill designed to bolster global economic cooperation by making it easier for Native American tribal communities to strengthen ties with foreign trading partners.

Even though Native American communities suffer from the highest unemployment rate in the United States, economic development on tribal lands is stifled by a restrictive and archaic leasing system, requiring applicants to succumb to a multilayered review process, taking up to 6 years to complete.

These unnecessary hurdles have compromised important tribal economic development in the past. For example, the Round Valley Indian Housing Authority continues to wait, after 9 years, for the Bureau of Indian Affairs to process a lease for a large housing project. And in 2006, the Swinomish and Walmart agreed to build a store on the reservation while the BIA regional office stalled for 2 years before Walmart withdrew from the deal following the 2008 financial crisis.

This bill helps correct these problems by authorizing select tribes to develop guidelines for leasing land and services to both foreign and domestic companies for economic development purposes. The bill further provides for only one approval of the land leasing guidelines by the Interior Secretary, thereby reducing current multilayer, prohibitive land leasing laws.

Without imposing any new costs, these changes will promote tribal job growth and economic empowerment, encourage foreign and domestic investments in Indian Country, all the while, inviting foreign and domestic companies to explore commercial opportunities with tribes. It's for these reasons that I urge my colleagues to support this legislation.

Mr. SABLAN. Mr. Speaker, at this time, I would like to inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from the Northern Mariana Islands has 13 minutes remaining.

Mr. SABLAN. Mr. Speaker, at this time, I yield 4 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank Congressman SABLAN for yielding and for his hard work in so many areas and his leadership.

I rise to express my opposition to the Indian Tribal Trade and Investment Demonstration Project Act, H.R. 2362.

This bill is unnecessary and seeks to give special consideration to one country—Turkey.

□ 1620

As a country that has shown both negative and aggressive actions toward a number of our allies, Turkey should not be given investment preferences in Indian tribal lands through this bill. And they should not be given preference over 154 allies, members of the World Trade Organization. Nor should they be given preference over American businesses that wish to invest in Indian tribal lands. This bill would reward a country with a record of human rights and religious freedom violations. It has been on the U.S. Commission on International Religious Freedom's watch list for 3 consecutive years.

Just this last Friday, many of us marked the 38th anniversary of Turkey's illegal occupation of the northern third of the island Republic of Cyprus. Throughout this occupation, Turkey actively seeks to alter the heritage and demographics of Cyprus. It has systematically destroyed the island's Christian heritage and colonized the area with more than 200,000 settlers and 40,000 troops.

Furthermore, Turkey maintains an economic blockade against Armenia, sealing its borders to all trade, and continues to deny the Armenian genocide, during which over 1.5 million Armenians perished. I have with me the Armenian Assembly and the Armenian National Committee of America's letters in opposition to this legislation.

Also, Turkey has challenged Israel by arguing against Israel's right to develop energy sources. Turkey has also threatened American businesses by saying it would use force to stop a Texas-based company, Noble Energy, from drilling for oil and gas off the shores of Cyprus. Turkey has said it will blacklist any business that assists Cyprus and Israel in their efforts to jointly develop their country's natural resources.

The preferential treatment given to Turkey in H.R. 2362 is unnecessary given the previous passage of the HEARTH Act, which passed this body 400–0, passed the Senate, and is now awaiting the President's signature. That bill allows domestic and foreign companies to engage in leases for housing construction, clean energy, and business development. Unlike the HEARTH Act, the bill before us today does nothing to support these domestic businesses.

Last November, the director of the Bureau of Indian Affairs, Michael Black, testified before the Indian and Alaska Native Affairs Subcommittee, stating that the HEARTH Act ''fosters the same goals identified in this bill but on a broader, larger scale.'' Through the HEARTH Act, domestic and foreign entities have already been granted an expedited route to invest in Native American lands and help their economic development.

Given the redundancies in the bill and the favored treatment it gives to one country that has shown threatening and discriminatory action toward a number of American allies, I urge my colleagues to join Ranking Member BERMAN and Ranking Member MARKEY and vote ''no'' on H.R. 2362.

From: Andreas Akaras
Sent: Monday, July 23, 2012, 1:13 a.m.
To: Elizabeth Darnall
Subject: H.R. 2362 Tribal Trade Bill (AHEPA email blast)

On behalf of the American Hellenic Educational Progressive Association (AHEPA), the largest and oldest membership-based organization of American citizens of Greek heritage and Philhellenes, we are outreaching to share AHEPA's position in opposition to H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act. We understand H.R. 2362 is expected to come to the Floor under Suspension of the Rules this week—perhaps on Monday.

Position

AHEPA is opposed to H.R. 2362 for the following reasons:

1. Turkey's Recent Threats to U.S. Commercial Interests. Why reward it?

Turkey's has issued threats to the actions of U.S. firm Noble Energy, which is lawfully conducting oil and gas exploration off the coast of Cyprus, in Cyprus's Exclusive Economic Zone (EEZ) in the eastern Mediteranean. Noble Energy is based in Houston, Texas.

During this same exploration, Turkey's threats have directed at U.S. allies Cyprus and Israel as both countries are working in cooperation via a signed agreement to develop hydrocarbon reserves in their EEZs.

In response to these threats, House Foreign Affairs Chairman Ileana Ros-Lehtinen stated, ''Turkey's decision to escalate tensions by increasing its military presence in the Mediterranean poses a clear threat to U.S. citizens and interests in the region.''

Moreover, Turkey has threatened to blacklist international companies willing to work on this particular exploration project off the coast of Cyprus. This would include any U.S. companies.

Why would the United States Congress facilitate the unique opportunity for private entities from Turkey to engage in trade and financial investment with Indian tribal economies when U.S. private entities and citizens are threatened by Turkey?

2. Congress has already acted with the overwhelmingly bipartisan-passed HEARTH Act.

H.R. 205, the HEARTH Act, passed the House 400–0 and the Senate by UC. It will be signed into law by President Obama.

The HEARTH Act promotes trade and investment on Native American lands without requiring the approval of the Bureau of Indian Affairs.

As the Director of the Bureau of Indian Affairs, Mike Black, testified before the House Committee on Natural Resources in November 3, 2011, H.R. 205 ''foster[s] the same goals identified in H.R. 2362 on a broader scale.''

The HEARTH Act benefits all tribes; not a select few that could benefit from H.R. 2362.

Simply stated, passage of H.R. 205 renders H.R. 2362 unnecessary.

3. Section 1(b) Findings (1)(2)(3) of H.R. 2362 displays preferential treatment for the Republic of Turkey over other WTO nations. Why?

Proponents state that no particular country is granted a commercial advantage under the bill, yet the bill's Findings section clearly single-out and champion Turkey.

If proponents were serious about amending H.R. 2362 to provide all WTO countries with a level playing field, it would not state ''Turkey and all other WTO countries.''

4. Turkish Entities Under Investigation in the United States.

Mainstream U.S. media outlets have reported on the growth of Turkish charter schools in America, as many as 120 of them, and how the schools have come under federal investigation for how they are administered.

The Philadelphia Inquirer reported on March 20, 2011, ''But federal agencies—including the FBI and the Departments of Labor and Education—are investigating whether some charter school employees are kicking back part of their salaries to a Muslim movement founded by Gulen known as Hizmet, or Service, according to knowledgeable sources.''

In addition the New York Times in a June 6, 2011 article raised the same concerns about how the schools spend taxpayer money, ''And it raises questions about whether, ultimately, the schools are using taxpayer dollars to benefit the Gulen movement—by giving business to Gulen followers, or through financial arrangements with local foundations that promote Gulen teachings and Turkish culture.'' The article also reports on federal investigations about abuse of a visa program to bring in expatriate employees.

5. Turkey's Treatment of Minority Populations.

The U.S. House of Representatives must take into consideration Turkey's treatment of minority populations.

The United States Commission on International Religious Freedom (USCIRF), an independent, bipartisan U.S. federal government commission established by the U.S. Congress, has recommended Turkey be designated a ''country of particular concern'' (CPC) in its 2012 annual report. Prior to this designation, Turkey was placed on its ''Watch List'' for three consecutive years (2009–2011).

According to the Executive Summary of the 2011 U.S. State Department Human Rights Report on Turkey, there is ''inadequate protection of vulnerable populations'' within Turkey.

In addition to these reasons, AHEPA is dismayed the House Committee on Foreign Affairs was not provided an opportunity to vet H.R. 2362.

We note a concern with Turkey's foreign policy direction and history that conflicts with the best interests of the United States, including: the aforementioned belligerent posture toward Israel, its vote against a UN resolution to impose sanctions against Iran with regard to that country's nuclear weapons program, its 38-year illegal invasion and subsequent illegal occupation of the Republic of Cyprus, a member of the European Union and current holder of the EU presidency; its continued violations of Greece's sovereignty in the Aegean Sea, a staunch NATO ally; and its blockade of Armenia.

Hellenic Caucus Opposition

We also thought you would be interested to learn of AHEPA's position because the congressman is a member of the Congressional Hellenic Caucus.

The Congressional Hellenic Caucus is opposed to H.R. 2362 and has circulated a DC letter on the issue. Please contacts Chairs U.S. Reps. Gus Bilirakis or Carolyn Maloney to sign the DC letter.

Thank you also for consideration of AHEPA's position. We hope the congressman will take all of the points presented into consideration and will oppose H.R. 2362.

ANDREAS N. AKARAS,
Advisor,
Office of Congressman John Sarbanes.

From: Andreas Akaras
Monday, July 23, 2012 11:16 AM
To: Elizabeth Darnall
Subject: email blast from Armenian Assembly sent this morning

On behalf of the Armenian Assembly of America, I am writing to urge a ''NO'' vote on H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011 when it is considered today.

H.R. 2362 is not necessary as a more comprehensive measure, H.R. 205, the HEARTH Act has already been adopted by the House and Senate.

The HEARTH Act unlike H.R. 2362 allows all Indian tribes, not just a select few to engage in economic development projects with foreign entities.

H.R. 2362 undermines the HEARTH Act because it seeks to endorse and offer special consideration to one country—Turkey—over every other WTO member country. With respect to the WTO, numerous complaints ranging from restrictions on imports of textile and clothing products to anti-dumping duties on steel have been lodged against Turkey.

The U.S. Trade Representative (USTR) has highlighted several areas of concern regarding Turkey's trade policies and practices in its 2012 National Trade Estimate Report on Foreign Trade Barriers, including its import policies and exports subsidies, yet H.R. 2362 specifically highlights Turkey.

Given Turkey's lack of respect for human rights its ongoing blockade of landlocked Armenia and its illegal occupation of the Republic of Cyprus, passage of H.R. 2362 would send the wrong message to the international community that the United States is not committed to human rights, democracy and the rule of law.

Examples of Turkey's record:

The U.S. Commission on International Religious Freedom in its 2012 Annual Report has recommended that Turkey be designated as a ''country of particular concern'' due to ''the Turkish government's systematic and egregious limitations on the freedom of religion . . .''

According to the 2011 Freedom House report, ''Turkey struggles with corruption in government and in daily life.'' In addition, according to an April 2012 Freedom House article, ''the number of journalists imprisoned in Turkey has nearly doubled'' from 57 in 2011 to 95 journalists in 2012.

Turkey also continues to deny the Armenian Genocide (New York Times Op-Ed—July 19, 2012), while at the same time accuses Israel of committing genocide and has defended the genocidal regime of Sudanese President Omar al-Bashir even after Bashir's indictment (BBC News—November 6, 2009) for war crimes by the International Criminal Court (ICC).

For all of the aforementioned reasons, the Armenian Assembly strongly opposes H.R. 2362 and urges a ''NO'' vote.

Sincerely,

BRYAN ARDOUNY,
Executive Director.

From: petian7@gmail.com on behalf of Kate Nahapetian [Kate@anca.org]
Sent: Friday, July 20, 2012 4:09 PM
To: Kate Nahapetian
Subject: VOTE NO ON H.R. 2362

On behalf of the Armenian National Committee of America, I am writing to express our opposition to H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011.

1. H.R. 2362 is redundant and unnecessary

The House and Senate have already passed the HEARTH Act (H.R. 205), which has already accomplished the aims of H.R. 2362 to promote trade and investment on Native American lands without requiring the approval of the Bureau of Indian Affairs. As the Director of the Bureau of Indian Affairs testified before the House in November 2011, H.R. 205 ''foster[s] the same goals identified in H.R. 2362 on a broader scale.'' Turkey and other countries have already been granted an expedited route to invest in Native American lands. This bill will not create any new jobs or investment opportunities that have not already been provided by H.R. 205.

2. H.R. 2362 creates an implied preference for Turkey

By singling out the Republic of Turkey in its findings section, the bill will create confusion around the granting of an actual preference for Turkey during the drafting of regulations or their implementation, should this bill become law. Other nations, including those, such as Canada, which already have leases in place are not mentioned at all, which leaves the impression that Turkey is somehow more deserving of favorable treatment.

3. This measure is morally wrong

The U.S. Congress should not extend special economic benefits to a country that remains an unrepentant perpetrator of genocide against millions of its own indigenous minorities, including Armenians, Greeks, Assyrians, and others. At a time when Turkey continues to oppress its indigenous minorities, confiscates Christian churches and properties, denies the Armenian Genocide and threatens the United States if we merely commemorate this crime, occupies our ally Cyprus, and both threatens and excludes our ally Israel from international initiatives, promoting Turkey in the findings section is misplaced and does not reflect the values of American citizens.

Today, it is criminal to even discuss Turkey's genocidal policies and these indigenous minorities continue to face persecution in Turkey. The U.S. Commission for International Religious Freedom has documented that the Turkish government's continued limitations on religious freedom are ''threatening the continued vitality and survival of minority religious communities in Turkey.'' In its 2012 report, the Commission recommended that, Turkey be designated as a ''country of particular concern,'' along with Iran, Sudan, and Saudi Arabia, due to ''the Turkish government's systematic and egregious limitations on the freedom of religion. . .'' Moreover, just r few weeks ago Turkey ordered the expropriation Mor Gabriel, one of the oldest Christian monasteries in the—world.

As Nina Shea, a Commissioner, recently wrote:

Turkey's Christian minorities struggle to find places in which they can worship, are denied seminaries in which to train future leaders, are barred from wearing clerical garb in public, see the trials of the murderers of their prominent members end with impunity, and, above all, lack the legal right to be recognized as churches so that their members can be assured of their rights to gather freely in sacred spaces for religious marriages, funerals, and baptisms, and otherwise carry out the full practice of their respective religions.

We do not believe providing trade preferences, even if just implied, to a country that exhibits such a disdain for religious freedom and its minorities, is a message that reflects the values of our country.

4. Turkey prohibits trade with Armenia, a U.S. ally which has tripled its troop deployment to Afghanistan

We should not be providing trade preferences to Turkey, a country that has been blockading landlocked Armenia for nearly twenty years. Close to a quarter of Armenia's population—has been forced from their homeland over the past decade, largely as a result of the economic dislocation caused by Turkey's blockade, the last closed border of Europe.

Sincerely,

KATE NAHAPETIAN,
Government Affairs Director.

Sent to Issue(s): Foreign Affairs, Natural Resources
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From: The Honorable Tom Cole
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DEAR COLLEAGUE, I want to highlight my responses below to recent criticism of my legislation, H.R. 2362, which will be considered under suspension of the rules this afternoon.

1. H.R. 2362 is redundant and unnecessary

Leasing on tribal lands is an overly complicated system that requires extensive review and Secretarial approval. This legislation may be operationally the same as the HEARTH Act, which passed the House and Senate and is waiting for the President's signature, but tribes want both programs to give them the flexibility to address lease reforms using which program best suits their needs, which is why the National Congress of American Indians and the National American Indian Housing Council strongly support this legislation in addition the HEARTH Act.

2. H.R. 2362 creates an implied preference for Turkey

I authored H.R. 2352 in response to Turkish entities expressing interest in doing business with American Indians. The findings reflect that interest. Despite this, the legislation gives no preference to Turkey over any of the 155 other WTO countries. This legislation does not alter any leases already in place. I applaud our trading partners engaged in economic development with Tribes and look forward to this legislation encouraging expansion of those partnerships.

3. This measure is morally wrong

American Indians across the United States face unimaginable poverty. Unemployment on Indian reservations is unfathomably high. Economic development on tribal lands is hampered because of overly complicated and archaic regulations. It is morally wrong not to do everything in our power to give tribes, and American citizens, every opportunity to succeed. While not as sweeping as the HEARTH Act, H.R. 2362 provides tribes with additional tools they need to help them succeed.

4. Turkey prohibits trade with Armenia, a U.S. ally which has tripled its troop deployment to Afghanistan

Turkey is a NATO ally and a critical and willing partner in the War on Terror. Turkish troops have fought alongside American soldiers as far back as the Korean Conflict. The United States maintains Incirlik Air Force base in Turkey. While Turkey and Armenia have a long history of conflict, that history is irrelevant to this legislation. This legislation will economically empower Indian tribes and help the most disadvantaged Americans while providing no special treatment for Turkey over any other WTO member country.

Sincerely,

TOM COLE,
Member of Congress.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Speaker, I rise in support of this Indian Tribal Trade and Investment Demonstration Project Act.

Mr. Speaker, the unemployment rate on American Indian reservations averages between 40–50 percent, and it is intergenerational. Income, employment, and educational attainment are all well below the American average. As a member of the Interior Appropriations Committee, I am very much aware of that, as Mr. COLE is. But the fact is every Member of this body should be as intensely aware as Mr. COLE and those supporting this legislation are, of the immense needs in Indian country and the serious shortfall the Federal Government confronts in meeting its obligations to Native Americans and Native Alaskans.

Some have suggested that private enterprise on reservations may help substantially in alleviating that poverty. And with rising income, many of the social and health-related ills that Native Americans confront in disproportionate numbers will decline. That ought to be a national responsibility, and, really, an obligation. The fact is that this act would test the theory by enabling foreign investors to partner with Native Americans on reservations to create new businesses and generate income where little to none exists today.

The legislation complements other legislation that Congress has already passed, allowing tribes to simplify leasing arrangements to address their housing needs. Go to a reservation and see the housing needs. This bill will bring new capital into reservations and simplify the arrangements under which long-term leases with private investors can be executed. While the proposal may initially have focused on foreign investment from one country, Turkey, it has been amended to include all 155 World Trade Organization countries.

I applaud the government of Turkey for coming up with this original proposal and for what is a genuine offer of assistance and friendship.

I understand the objections that have been raised that really have very little to do with this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman from Virginia an additional 1 minute.

Mr. MORAN. I thank the gentleman very much. I appreciate the additional time to make a further point.

Turkey and Israel have long enjoyed amicable relations. Turkey was the first Muslim country to recognize the State of Israel. The two states remain active trade partners. Their bilateral trade volume is almost $3 billion. It is Israel's sixth-largest trading partner. Israel exports chemicals, agriculture products, and high-tech manufacturing machinery to Turkey. And Turkey exports textiles and transport equipment to Israel. Israel needs Turkey as a trading partner.

The fact is that, according to the Israel-Turkey Business Council, bilateral trade between the two nations increased 35 percent between 2010 and 2011 despite the diplomatic tensions that emerged in 2009. The reality is that they are working together. They want to work together and transcend politics. Bilateral trade is in the interest of both nations.

This is in the interest of the Native American nations. Gosh sakes, they deserve this kind of help after we turned our back on one treaty after another, as has already been said. This is a unique opportunity. We ought to seize it.

Mr. SABLAN. Mr. Speaker, at this time I yield 4 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding. I rise in opposition to H.R. 2362 because I don't believe that the preferential consideration which it gives to the interest of one country, Turkey, can be justified.

There is no dispute over what many of our colleagues have said today, which is that there are tremendous needs on the part of Native American tribes, and a desire I think shared widely here for economic development opportunities on tribal lands. We all know the statistics. But that goal of achieving enhanced economic development on tribal lands has been achieved through the HEARTH Act. As Congresswoman MALONEY just indicated a minute ago, Michael Black, director of the Bureau of Indian Affairs, testified that the HEARTH Act ''fosters the same goals identified in H.R. 2362 on a broader scale.'' We don't need this legislation to accomplish all of the important things that have been articulated here.

I have tremendous respect for Congressman COLE, and he just gave a very powerful articulation of the legacy that he carries in his DNA and why he is so passionate about these issues, and we share his perspective on the important need to develop tribal lands, but this particular piece of legislation is redundant at best, and it gives this unjustified preference to Turkish interests.

This presents a number of issues. First of all, there are some concerns on the trade front. Now, I understand the bill was amended because originally it would have given exclusive opportunity to Turkish enterprises without regard to the rest of the WTO nations. Now that's been changed so other the WTO nations can participate.

□ 1630

But if you look at the bill, Turkey's interests are discussed all through it. It's infused with language about Turkey. The findings section is about Turkey. And frankly, a Turkish enterprise could take this bill, once it passed, and

use it as a passport to get preferential consideration with respect to these economic opportunities. So I think it does present some continued concern with respect to trade concerns.

But on the foreign policy front, even if you felt it were important to give preferential consideration for purposes of a demonstration project or a pilot project to one nation's interest over others, why would you select the country of Turkey given its record? That's why Ranking Member BERMAN has sent a Dear Colleague letter around urging opposition to this bill, because he knows from a foreign policy standpoint the record of Turkey.

I have to mention a few of these things because they're compelling. Increasingly, Turkey has become hostile to our ally, Israel, recently threatening to mobilize its air and naval assets to escort ships to Gaza and to stop Israel from developing energy sources in its Exclusive Economic Zone in the eastern Mediterranean.

Secondly, in June of 2010, NATO member Turkey voted against the United Nations resolution imposing sanctions against Iran to thwart its nuclear weapons program.

Thirdly, Turkey has just now been put on the U.S. Commission on International and Religious Freedom watch list for its widespread discrimination of minority religious communities.

Fourthly, Turkey has threatened the use of force to stop Texas-based Noble Energy—this is an American company—from drilling for oil and gas off the shores of Cyprus and Israel and to blacklist any businesses that work with Cyprus or Israel for natural resource extraction.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SABLAN. I yield the gentleman 1 additional minute.

Mr. SARBANES. We've heard the discussion of how Turkey has continually denied the Armenian genocide of 1915 to 1923 during which 1.5 million Armenians perished and since 1993 has maintained a destabilizing blockade of Armenia.

Now some would say these are irrelevant issues. They're very relevant. If you're going to choose a country to which you're going to extend some preferential consideration, these kinds of activities and this kind of legacy ought to be part of your consideration.

Finally, for more than 38 years, Turkey has illegally occupied the northern third of the island Republic of Cyprus, which is a member of the European Union. In fact, as of July 1, Cyprus assumed the presidency of the European Union, but Turkey refuses to recognize this.

These are all relevant to the question of whether a preferential consideration ought to be extended to one country. It's not justified, and it's not warranted. I join Ranking Member MARKEY and Ranking Member BERMAN in urging opposition to H.R. 2362.

Mr. HASTINGS of Washington. I reserve the balance of my time.

Mr. SABLAN. Mr. Speaker, at this time, I yield the remainder of my time to the gentleman from Oklahoma (Mr. BOREN).

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 4 minutes.

Mr. BOREN. Mr. Speaker, I rise today in strong—very strong—support of H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011.

In an effort to reduce unemployment and incentivize investment, H.R. 2362 allows—again, we have said this all along the debate—all 155 World Trade Organization countries to participate in a trial trade program directly with sovereign Native American tribes in the United States. Specifically, it would authorize the Secretary of the Interior to select up to six tribes to participate in a program that would allow them to use their land for economic development.

In addition to creating jobs, H.R. 2362 would provide a path for economic empowerment of tribes and encourages foreign and domestic investment in Indian Country. With this bill, we can give tribes the means and the authority to address specific issues plaguing Indian Country.

I want to also, as Mr. MORAN and many other members on our side of the aisle have done, commend my good friend, Mr. COLE, for his diligence on this issue, for his persistence and for all that he has done for Indian Country. Mr. COLE mentioned in his debate earlier that there are a lot of different organizations that are supporting this legislation. He talked about NCAI and a whole list of others.

Again, if you ask Indian Country, ''Do you support this bill?'' they're saying, ''Yes.'' The other people that are saying, well, we're opposed to it, it's not coming from Indian Country. It's not coming from places like my home State of Oklahoma.

So I ask my colleagues that are watching this debate to give their deepest consideration and to support this legislation. Again, I want to say ''thank you'' to Mr. COLE, to the chairman and to all the other Members who are supporting this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes again to the author of this legislation, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

I want to thank my friends on the other side of the aisle for participating in the debate. I understand the passions here are high, and I actually respect that a great deal even when I disagree with the policy conclusions that may have led some of my colleagues to.

I do ask you to stop and think, there is a sort of a contradiction in your argument: It's both redundant and yet gives special preferences. Both those things can't be true. It suggests to me the real argument is fundamentally different from those two points. The reality is it gives no one special preferences. We tried to listen to that point.

I wish other countries were beating down my door to want to go do work on Indian reservations and to want to partner with Indians. They aren't. I know of one country that has really cared enough to do this.

Now, there are a range of disputes in other areas. Those are legitimate disputes, and those are matters that ought to be the subject of serious discussion and debate on the floor, but have nothing to do with this bill. They have nothing to do with this bill. They're about ancient and current acrimonies and differences that ought to be settled in other forums on other issues but not on this bill, and certainly not at the expense of the least advantaged, frankly, the most disadvantaged part of our own population. I wish I could get more American companies that wanted to go on reservations and sit down and work with people about creating jobs. That's all this bill is about.

To those of you that have other concerns, I recognize the legitimacy of those concerns. But I just ask you to focus on the nature of the legislation. The New World is supposed to be able to put some of the Old World's controversies behind us, and certainly on a topic like this.

So for those of you, again, that have a different opinion, I respect it. But I also point out that Turkey is an ally of the United States. It has been for decades and decades. It's an important regional partner for the United States. This strengthens that relationship, as well, and the interest and the commitment in this area is genuine.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. COLE. The interest in this area is genuine and real. Shouldn't that be something we should take and build on and try and add to and encourage? There needs to be a competition here. Let's build a competition to help Indian Country. Other countries can step up. Foreign companies can step up. Let's get a blueprint on how to do it. It is more complex than we would like to admit or acknowledge. That's one of the reasons why there's not American investments in these places.

I can take you to some of the Indian reservations in North and South Dakota where the unemployment rate is 80 percent and the State unemployment is under 5. Should that tell you how serious the problem is? I'd like to get anybody interested in helping and doing it legitimately.

We now have a level playing field for everybody. There are no preferences in this bill. Let's encourage other people to join the competition. Have them come in, and maybe they've got a better idea and a better way. But in the

meantime, we should pass this bill, we should get about the business of putting Americans to work—the first Americans—and certainly Americans on Indian reservations that have every obstacle in the world against them. This bill will give one more tool in the toolbox. It's not a panacea, but it's a tool they ought to have.

Mr. SABLAN. Mr. Speaker, at this time, I would like to inquire if the other side has any additional speakers.

Mr. HASTINGS of Washington. Mr. Speaker, I would tell my friend I have no more requests for time, and I am prepared to close if the gentleman is.

Mr. SABLAN. Mr. Speaker, then, at this time, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, once again, I urge adoption of this legislation, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, as a member of the Native American Caucus and co-sponsor, I rise today in support of H.R. 2362, "The Indian Tribal Trade and Investment Demonstrations Project Act of 2011." This bill authorizes the Secretary of the Interior to select up to six Indian tribes or consortia of Indian tribes to participate in an Indian Tribal Trade and Investment Demonstration Project that facilitates trade and financial investment in Indian tribal economies by private entities from Turkey.

Tribes selected for the program are to develop their own guidelines for leasing land and services to both foreign and domestic companies for economic development purposes. This act requires that the Secretary of Interior approve land leasing guidelines only once, reducing current multi-layer prohibitive land leasing laws. H.R. 2362 is a demonstration project, and if successful it would be expanded. This bill has been amended to expand the period of the demonstration project from one to three years to allow reasonable time for Tribes to draft leasing regulations, attain approval by the Secretary of Interior, and enter into a lease.

Economic development on tribal lands is hampered by a restrictive and archaic leasing system that requires applications to go through multiple levels of review and can sometimes take up to six years. Examples of projects delayed by this application process: Round Valley Indian Housing Authority has been waiting for nine years for BIA to process a lease for a large housing project. In 2006, the Swinomish made a deal with Wal-Mart to build a store on the reservation. The BIA regional office sat on the lease for two years and Wal-Mart pulled out of the deal after the 2008 financial crisis.

During a hearing on the bill held in the Subcommittee on Indian and Alaska Native Affairs, a tribal witness explained that Turkey has a long track record of promoting good relations and trade between its private business community and Indian tribes in the United States. The intent of the bill is to further such relations to increase private business development in Indian Country where economic diversification is greatly needed. This bill also allows all 155 members of the World Trade Organization (WTO) an equal opportunity to invest in Indian tribal economies.

Mr. Speaker, the major purpose and dominant aim of this bill is to promote economic development is Indian Country and not to reward or show favoritism to Turkey. The reason Turkey is directly recognized in this legislation is to acknowledge its helpful role in developing this bill.

Mr. Speaker, Native Americans suffer from the highest unemployment and social illness rates reported in the United States. This legislation will be the first step to ameliorating those ailments and begin to diversify Indian Country.

That is why this legislation is strongly supported by the National Congress of American Indians and the National American Indian Housing Council two of the nation's leading advocacy organizations on behalf of Native Americans. I will continue support legislation that invests in our economy and our Indian tribes. I urge my colleagues to support this demonstration so that we can expand this much needed project.

Mr. MARKEY. Mr. Speaker, nothing in H.R. 2362 can't be accomplished by H.R. 205, the HEARTH Act, which passed the House unanimously in May and was just last week passed by the Senate without change. The President is expected to sign H.R. 205 into law any day now.

Unlike H.R. 2362, the HEARTH Act authorizes all tribes to engage in leasing activities with any nation—foreign or domestic—for economic development purposes on tribal lands. It does not discriminate based on world geography, or benefit a select few tribes who qualify under strict requirements for a time-limited demonstration project.

In light of H.R. 205, there is simply no need for H.R. 2362. It is redundant and unnecessary and should be rejected by the House on this basis alone.

But there are serious reasons to oppose H.R. 2362.

By acknowledging Turkey's "unique interest" in developing tribal economies and in building "robust" relationships between it and tribal communities, this legislation rewards a country with a terrible history of human rights and religious freedom violations, threats to U.S. commercial interests in Cyprus, and—most importantly—its refusal to acknowledge the Armenian Genocide which resulted in the deaths of 1.5 million people.

The manager's amendment to include WTO countries does not change the fact that Turkey is singled out for preferential treatment and will benefit through increased investment opportunities in Indian country.

Congress should not be in the business of rewarding countries with appalling records on human rights to develop economic ties to Indian country on a preferential basis.

I urge a "no" vote.

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. 2362, as amended.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1640

BRIDGEPORT INDIAN COLONY LAND TRUST, HEALTH, AND ECONOMIC DEVELOPMENT ACT OF 2012

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2467) to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2467

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 "Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2012".

SEC. 2. LANDS TO BE TAKEN INTO TRUST.

(a) IN GENERAL.—Subject to valid existing rights and management agreements related to easements and rights-of-way, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b) are hereby declared to be held in trust by the United States for the benefit of the Bridgeport Indian Colony, except that the oversight and renewal of all easements and rights-of-way with the Bridgeport Public Utility District in existence on the date of the enactment of this Act shall remain the responsibility of the Bureau of Land Management.

(b) FEDERAL LANDS DESCRIBED.—The Federal lands referred to in subsection (a) are the approximately 39.36 acres described as follows:

(1) The South half of the South half of the Northwest quarter of the Northwest quarter of the Northeast quarter and the North half of the Southwest quarter of the Northwest quarter of the Northeast quarter of Section 21, Township 8 North, Range 23 East, Mount Diablo Meridian, containing 7.5 acres, more or less, as identified on the map titled "Bridgeport Camp Antelope Parcel" and dated July 26, 2010.

(2) Lots 1 and 2 of the Bureau of Land Management survey plat entitled "Dependent resurvey of a portion of the subdivision of Section 28, designed to restore the corners in their true original locations according to the best available evidence, and the further subdivision of Section 28 and the metes and bounds survey of a portion of the right-of-way of California State Highway No. 182, Township 5 North, Range 25 East, Mount Diablo Meridian, California" and dated February 21, 2003 containing 31.86 acres, more or less.

(c) AVAILABILITY OF MAP.—The maps referred to in subsection (b) shall be on file and available for public inspection at the office of the California State Director, Bureau of Land Management.

(d) GAMING.—Land taken into trust under this section shall not be eligible for, or considered to have been taken into trust for, class II gaming or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from the Northern Mariana Islands (Mr. SABLAN) 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 add 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. 2467, which is sponsored by our colleague from California (Mr. MCKEON), places two parcels of land in trust for a tribe in his district known as the Bridgeport Indian Colony. This is a small tribe located in a fairly remote area in eastern California.

The two parcels are approximately 40 acres of public land currently administered by the Bureau of Land Management. One parcel is a 32-acre tract located along Highway 182, adjacent to the tribe's existing reservation. The tribe states that it intends to use the lands for housing and related community development because its existing reservation is running out of room for additional uses.

The other parcel is a 7.5-acre tract located 30 miles off the tribe's reservation. The tribe originally leased this property from the Bureau of Land Management for a health clinic which closed several years ago. The tribe still owns the building and has expressed its intent to reopen the clinic, but without ownership of the property in trust it is unlikely this purpose can be achieved.

Hearings were held on a similar bill in the last Congress, and the Subcommittee on Indian and Alaska Native Affairs held a hearing this year. The Department of the Interior has not expressed reservations with holding these public lands in trust for the tribe, nor has it requested the tribe to pay for the public land.

Though the committee has heard no opposition to the bill, the local public utility district serving the city of Bridgeport requested language to clarify that existing easements serving the district's customers remain the responsibility of the BLM. The bill's sponsor, Mr. MCKEON, worked out language, after consulting with all affected parties, to ensure this request was appropriately handled for the benefit of the town and of the tribe.

I want to point out that while the bill was reported by the Natural Resources Committee without objection from its members, it lacked language addressing potential tribal gambling rights on the new trust land. Because the expansion of gambling under the Indian Gaming Regulatory Act may cause concern among many Members in the House, and because the primary purpose of the lands, as explained by the tribe, is not for operating a casino, the text of the bill before us today includes new language prohibiting class II and class III gaming on the public lands.

With that, the bill is a good bill, and I urge its passage. I reserve the balance of my time.

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

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

Mr. SABLAN. Mr. Speaker, H.R. 2467 would transfer two parcels of Federal land into trust for the exclusive benefit of the Bridgeport Indian Colony, a Federally recognized Indian tribe located in rural Mono County, California.

The tribe seeks to expand its reservation in order to address its additional housing and community development needs, as well as to address its need for a local community health services clinic that will service Indian and non-Indians in the area.

I urge my colleagues to support H.R. 2467, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I'm very pleased to yield 5 minutes to the author of this legislation, the gentleman from California (Mr. MCKEON).

Mr. MCKEON. Mr. Speaker, I rise today in support of my legislation, H.R. 2467, the Bridgeport Indian Colony Land Trust, Health, and Economic Development Act of 2012. I want to thank Chairman HASTINGS and Ranking Member MARKEY, as well as subcommittee Chairman YOUNG and Ranking Member LUJÁN, for giving my legislation a fair hearing and moving the bill through the committee.

Mr. Speaker, the Bridgeport Indian Colony is a Federally recognized Indian tribe with a reservation located near the town of Bridgeport in Mono County, California. The tribe's reservation is approximately 40 acres and was established by Federal law in 1974. However, the size of the current reservation is insufficient for the tribe's housing and community development needs.

In order to create space for economic development and housing, my legislation proposes to transfer from the BLM to the BIA to hold in trust for the tribe one parcel of land contiguous to the tribe's existing reservation, totaling approximately 31 acres. On this parcel, the tribe plans to construct an RV park, gas station, convenience store, and residential housing for tribal members, as well as a recreational center to serve the greater community.

Mr. Speaker, many tribal members have expressed interest in moving back to the reservation if housing and job opportunities can be made available. And this bill will create jobs in a part of my district where unemployment is over 10 percent.

Additionally, my legislation would promote the health care of the tribe and community by taking into trust a 7-acre BLM parcel where the Toiyabe Indian Health Project previously served the community, allowing the clinic to be reopened and returned to service. Currently, members of the tribe have to drive 90 miles to Bishop to obtain health care services.

In the 1980s, the tribe applied for and received a community development block grant from the Department of Housing and Urban Development in order to build a health care facility in Mono County. With Toiyabe Indian Health Project directing the project, the Camp Antelope Health Clinic was built on a 7.16-acre parcel of Federal land one mile north of Walker, California, approximately 30 miles from the tribe's reservation—60 miles closer than the Bishop health clinic. Unfortunately, the Toiyabe Indian Health Project closed the Camp Antelope Health Clinic in 2006.

The tribe and the Toiyabe Indian Health Project have agreed that the health clinic needs to be reopened, and the investment of the Federal funds in the development of the health clinic from the CDBG grant adds to the importance of maintaining the parcel under Federal ownership.

Mr. Speaker, throughout the process of developing this legislation, I worked closely with the tribe and the Bridgeport Public Utility District to mitigate any concerns that the utility district had regarding the rights of way of an easement which crosses the first parcel proposed for transfer from the BLM to the BIA in trust to the tribe. The services provided by the utility district, both to the community of Bridgeport as well as to the tribe, depend on the infrastructure where this easement is located. Currently, the easement is managed by the BLM and is subject to periodic renewal. I clarified in my legislation that this easement should continue to be managed by the BLM, as this has proven successful.

The Mono County Board of Supervisors voted to support the land transfer in October of 2009 and agreed unanimously in April of 2010 to enter into a memorandum of understanding with the tribe, thus supporting the tribe's efforts to have these parcels of land transferred into trust. Additionally, there is language contained in my bill that clarifies that there will be no new gaming on lands that are acquired by the tribe.

Mr. Speaker, thank you for giving my bill time on the floor. The additional land will be greatly beneficial to the Bridgeport Indian Tribe, and I urge Members to support this vital legislation.

Mr. SABLAN. Mr. Speaker, may I ask if there are additional speakers on the other side?

Mr. HASTINGS of Washington. Mr. Speaker, I tell my friend I have no requests for time, and I am prepared to yield back if the gentleman is.

Mr. SABLAN. Mr. Speaker, we also urge the support and passage of this legislation, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, this is a good piece of legislation; I urge its passage. 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. 2467, 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.

□ 1650

REPEAL OF PROVISION RELATING TO MOTOR VEHICLE INSURANCE COST REPORTING

Mrs. BONO MACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5859) to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL.

Subsection (c) of section 32302 of title 49, United States Code, is repealed, and any regulations promulgated under such subsection shall have no force or effect.

SEC. 2. DETERMINATION REGARDING PROVISION OF DAMAGE SUSCEPTIBILITY INFORMATION TO CONSUMERS.

(a) IN GENERAL.—Section 32302(b) of title 49, United States Code, is amended by adding at the end the following: ''The Secretary, after providing an opportunity for public comment, shall study and report to Congress the most useful data, format, and method for providing simple and understandable damage susceptibility information to consumers.''.

(b) DEADLINE.—The Secretary of Transportation shall carry out the last sentence of section 32302(b) of title 49, United States Code, as added by subsection (a), not later than the date that is 2 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. BONO MACK) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. BONO MACK. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mrs. BONO MACK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to insert extraneous materials into the RECORD on H.R. 5859.

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

There was no objection.

Mrs. BONO MACK. Today, we have an opportunity to slam the car door on an obsolete provision in the United States Code requiring motor vehicle insurance cost reporting, which is of little or no use to American consumers.

I want to commend Mr. HARPER of Mississippi and Mr. OWENS of New York for their bipartisan work on H.R. 5859, as well as Chairman UPTON and Ranking Member WAXMAN for their leadership in moving this legislation forward. I also want to thank my good friend and colleague, Mr. BUTTERFIELD of North Carolina, our subcommittee's ranking member, for his help with our efforts to repeal this costly and outdated provision of the law.

Additionally, just this morning, I received word that the five leading automotive trade associations in the U.S., including the National Automobile Dealers Association, are all supportive of H.R. 5859, and here's why.

In 1993, NHTSA issued a final rule requiring new-car dealers to make available to buyers a booklet containing the latest information on insurance costs. The information is updated by NHTSA annually, based on data from the Highway Loss Data Institute.

The information required by this regulation is rarely sought by consumers and its value is highly questionable. Insurance premiums are based primarily on factors that are unrelated to the susceptibility of damage to a vehicle, including the driver's age, driving record, location, and miles driven.

Additionally, a recent survey of 850 members of the National Automobile Dealers Association reported 96 percent of its dealers have never been asked by a customer—not even once—to see the insurance cost booklet that is at issue here today.

Clearly, this is yet another example of where the cost of a Federal regulation outweighs its potential benefit. As a nation, we simply cannot afford to keep doing business that way. And frankly, the current law has more problems than an old, dirty, oil-burning engine.

Today, new-car dealers face civil penalties if they do not provide, upon request, the booklet that discloses the relative cost to repair vehicles after a collision, yet the data is completely generic and skewed by averaging the repair costs of everything from fender-benders to vehicle rollovers. How is this useful information to consumers at the point of sale?

Even more troubling, this information is not always accurate or up to date. For the most part, it is simply a compilation of historical information and does not take into account new model year changes that can significantly alter how a car performs in a crash.

And finally, even the administration suggests this requirement should be eliminated. In technical comments provided earlier this year to Congress, NHTSA describes the data as, and I'm quoting now:

> rarely used and not useful because the differences in rates due to loss payments are overshadowed by differences in premiums due to driver demographics, geographic location, and the relative prices of the vehicles.

In other words, the requirement is simply not working as intended, and it's become a needless cost and burden to automobile dealers nationwide.

Today, we have an opportunity to tow this clunker of a regulation to the junkyard where it belongs and to provide America's nearly 20,000 automobile dealers with some important regulatory relief.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, H.R. 5859 repeals a provision of law related to the reporting of automobile insurance cost. This provision requires car dealers to make available to prospective buyers information that compares insurance costs for different vehicles based on damage susceptibility.

While I am always wary of any attempts to limit consumer information, clearly, the provision of law that H.R. 5859 would repeal is simply not working as intended.

Every year, the National Highway Traffic Safety Administration, or NHTSA, as we call it, produces and sends to auto dealers a booklet containing insurance cost information. Dealers have told us that very few consumers even ask for the booklet. Yet, under Federal law, NHTSA is still required to produce and distribute these booklets, and dealers are still required to make them available.

I am not opposed, Mr. Speaker, to ending the current reporting mandate. However, we should not repeal this mandate without acknowledging that the impetus behind the original provision is sound. The purpose of the provision was to give consumers a basis for comparing damageability risk at the point of sale.

Damageability is about how much damage a car is likely to sustain when a collision occurs, even at very low speed. The law also intended to create an incentive for manufacturers to produce cars which are more resistant to damage and less expensive to repair and service.

Whether you think the current requirement is a nuisance for auto dealers or you think that NHTSA has missed the mark in its implementation of the mandate, I think we should accept that consumers continue to have a legitimate interest in minimizing the costs associated with minor collisions.

Therefore, I would like to thank Congressman HARPER for his interest in this; Congressman OWENS, on our side of the aisle, from New York, who was one of the original Members of Congress who presented this idea; Chairman BONO MACK and Chairman UPTON and Ranking Member WAXMAN for all working with me to include alongside the repeal a requirement that NHTSA thoroughly examine—that would be the requirement—that NHTSA would thoroughly reexamine the issue of how best to inform prospective buyers about damage susceptibility.

I think we have struck the right balance. We fix a valid problem and keep in place a valuable principle.

Under the bill before us, NHTSA would have 2 years—2 years—to conduct a study, solicit public comment, and issue a report to Congress that will determine the most useful data, format, and method for providing simple and understandable damage susceptibility information to consumers. The agency would evaluate whether insurance costs are the best measure of damage susceptibility or whether there is a better way to make comparisons between vehicles and a better way to make such information available to consumers.

Mr. Speaker, I've said time and time again that information is power, and that is certainly true. For example, the NHTSA program Stars on Cars, which provides crashworthiness information to consumers, gives prospective car buyers information they need about how well a vehicle will protect them and their family in the event of a crash. And car companies now routinely compete to make safer cars that better protect passengers.

If we pass H.R. 5859, complete with a provision to get NHTSA to find a better way for consumers to get important damageability information, the same may be accomplished in this case. And so, therefore, I join my colleagues in asking all of our colleagues to vote for this amendment.

I reserve the balance of my time.

Mrs. BONO MACK. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Mississippi (Mr. HARPER), a terrific member of the Commerce, Manufacturing, and Trade Subcommittee.

Mr. HARPER. Mr. Speaker, I'm proud to be the lead sponsor of H.R. 5859. This bipartisan bill repeals an obsolete mandate that the National Highway Traffic Safety Administration has said is rarely used and not helpful.

Since 1991, the Department of Transportation has annually distributed by mail a document, entitled, ''Relative Collision Insurance Cost Information.'' This information is sent by mail to new-vehicle dealers who are required to make the information available to prospective new-vehicle customers upon request.

□ 1700

NHTSA has spent hundreds of thousands of dollars distributing this booklet over the past 21 years. While this information is of value to insurance actuaries, it has been of little or no use to consumers—for whom it is primarily intended. Insurance premiums are set through numerous factors that take into account driver characteristics, such as age, gender, marital status, driving record, and geographical location. No brochure produced annually by the Federal Government can accurately gauge a prospective new car owner's insurance premium cost.

A recent survey by the National Automobile Dealers Association confirmed what was expected: out of 800 new car dealers polled, an overwhelming 96 percent of the dealers answered that not a single customer had ever even asked for a booklet. I would like to make note that, if this regulation is repealed, the data will still be compiled, and NHTSA will still have the discretion to provide this information to consumers on their Web sites.

We have heard from witnesses like Mr. Jack Fitzgerald, who has been in the car business all of his life. Neither he nor his employees have ever been asked for a copy of this booklet. In my home State of Mississippi, Butch Oustalet of Butch Oustalet Ford Lincoln in Gulfport, informed my staff that, despite selling thousands of vehicles to so many people over the years, not one customer has ever asked for this booklet. Barker Honda of Brookhaven and New South Ford of Meridian also reported that no customer has ever asked for a copy of this booklet. When customers go into a dealership and ask what their insurance premiums will be, they all agree that the best way to get accurate quotes is for them to simply contact their insurance agents.

This simple and bipartisan bill, if passed, would show that Congress is serious about efforts to alleviate burdensome and unneeded regulations on businesses across this country. The President states that it is a priority of his administration's to get rid of absurd and unnecessary paperwork requirements that waste time and money. I say that Congress should lead now with H.R. 5859.

I would like to thank Subcommittee Chairman BONO MACK, Chairman UPTON and the Energy and Commerce Committee for moving H.R. 5859. I would also like to thank Congressman BILL OWENS from New York for his hard work and leadership on this legislation.

Mr. BUTTERFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. OWENS).

Mr. OWENS. I thank my colleague.

Mr. Speaker, I rise today to join Mr. HARPER as an original cosponsor to offer legislation to repeal an outdated mandate on auto dealerships across the country.

Under current rules, the National Highway Traffic Safety Administration is required to distribute a hard copy information booklet on vehicle insurance costs to auto dealers. In addition, those auto dealers are then required to keep the booklet on hand and make it available to prospective customers.

Before coming to Congress, I had the opportunity to represent Bill McBride and Gerry Garrand, two auto dealers located in Plattsburgh, New York. Working alongside the McBride and Garrand teams helped me better understand the automobile retail market and the pressure dealers are under to remain competitive. Today, we have a chance to remove a regulation, which we can all agree is outdated, for the benefit of taxpayers and businesses like those in my congressional district. I believe actions like this make common sense, and I urge more of it.

Over the past 21 years, NHTSA has spent hundreds of thousands of dollars distributing this information, much of which is unnecessary for an average customer who is trying to make an informed decision in the showroom. Recent surveys show that few, if any, customers ask for this information in a given year. In fact, as much as 96 percent of auto dealers have never once been asked for this information at all.

Putting information in the hands of consumers is sensible. For the average American family, buying a car is a major expense. Most people will consider price, safety ratings, and other features, and will compare a number of makes and models before making a purchase. However, the data show that few American families make NHTSA's Relative Collision Insurance Cost Information booklet a part of that decision-making process.

With that in mind, our legislation simply ensures that auto dealers will no longer be required to make this unused information available to their customers at taxpayer expense. At the same time, the bill allows NHTSA and the Highway Loss Data Institute complete flexibility to make this information available online, which HLDI has said it will do. This is an example of the commonsense bipartisanship we need to see more of, working together to reduce outdated, unnecessary or overly burdensome regulations to thebenefit of businesses, families, and taxpayers at large.

I thank Mr. HARPER for his leadership on this issue and for working with me to get this done for auto dealers across the country. Moreover, I am pleased to have had the opportunity to have worked with my colleagues from both sides of the aisle in order to help make government work better. I urge a ''yes'' vote on this legislation.

Mrs. BONO MACK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. I thank the gentlelady from California.

Mr. Speaker, I rise today to urge the passage of H.R. 5859. This legislation repeals a requirement that auto dealers provide consumers with an insurance cost booklet.

I actually know about this because I am an automobile dealer, and I've spent 45 years in the showroom and on the lots. To the best of my recollection—and we service anywhere from 800 to 1,000 people a month—nobody has ever come into our showroom and ever asked for that booklet. It just never happens. This booklet has information that is useless and totally irrelevant to the average consumer.

Let me read from the booklet:

The table presents vehicles' collision loss experience in relative terms, with 100 representing the average for all passenger vehicles. Thus, a rating of 122 reflects a collision loss experience that is 22 percent higher, or

worse, than average while a rating of 96 reflects a collision loss experience that is 4 percent lower, or better, than average.

It goes on to say:

It is unlikely your total premium will vary more than 10 percent depending upon the collision loss experience of a particular vehicle.

It then goes on to say that, if you really want to find out about the insurance, what you really need to do is to contact the insurance carriers or the companies directly.

Do you know what? I didn't want to base it just on what I know. I've talked to a lot of my friends who are also in the automobile business, and I've asked them, Have you ever had anybody walk in the store and ask for this? They've said, Absolutely not. It has never happened.

We called the NHTSA hotline, the booklet hotline. The representative said—and this is NHTSA's representative—I have no idea about the booklet. He said, Do you know what you need to do? You need to call your insurance agent. Now, this is NHTSA's person. This is their hotline.

Last month—again, not relying on my 45 years of experience—I went back into our store, and I went to one of our sales meetings. I asked our guys and our girls, who have a combined sales experience of 250 years, Listen, I've never had this happen, but has anybody ever come in and asked for this insurance collision loss booklet? Nobody—nobody—had heard of it. Nobody has ever come in—zero, nada—and asked for that booklet.

Now, here is the deal. Dealers have to have this booklet available. Should somebody ask for it and you can't provide it, there is a fine of $1,000 per occurrence with a max of $400,000. That's what the fine is capped at. So, if somebody comes into the showroom and asks for the booklet and you don't have it and you get audited on it, it's $1,000. Unfortunately, the government caps it at $400,000.

So, when you look at these things, again, the unintended consequences have such a dire effect on the American people. These are taxpayer dollars that are being wasted on information that is irrelevant, never asked for. Nobody cares about it. So I join my colleagues.

I thank Mr. OWENS, and I also thank Mr. HARPER and Mrs. BONO MACK for bringing this forward today. It is another waste of taxpayer money that serves no purpose to the American people. I urge the passage of H.R. 5859.

Mr. BUTTERFIELD. I don't have any more speakers on my side.

I yield back the balance of my time.

Mrs. BONO MACK. In closing, I just want to strongly urge the passage of H.R. 5859. It passed unanimously out of the Energy and Commerce Committee.

Again, I would like to thank Mr. BUTTERFIELD for his hard work, and I would like to thank the staff for their hard work and for the bipartisan nature that we all approached this with. I would also like to thank my staff for their hard work.

In 1993, this insurance reporting provision probably made sense.

□ 1710

But today, after being road tested now for nearly 20 years and with so much information currently available to consumers simply on the Internet, the Kelley Blue Book value on this regulation is just darn near next to nothing. Let's junk it and move on.

With that, Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. BONO MACK) that the House suspend the rules and pass the bill, H.R. 5859, 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.

PILOT'S BILL OF RIGHTS

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1335) to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1335

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 ''Pilot's Bill of Rights''.

SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the ''Administrator'') shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

(A) of the nature of the investigation;

(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;

(E) that the releasable portions of the Administrator's investigative report will be available to the individual; and

(F) that the individual is entitled to access or otherwise obtain air traffic data described in paragraph (4).

(3) EXCEPTION.—The Administrator may delay timely notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

(4) ACCESS TO AIR TRAFFIC DATA.—

(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph.

(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term ''air traffic data'' includes—

(i) relevant air traffic communication tapes;

(ii) radar information;

(iii) air traffic controller statements;

(iv) flight data;

(v) investigative reports; and

(vi) any other air traffic or flight data in the Federal Aviation Administration's possession that would facilitate the individual's ability to productively participate in the proceeding.

(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

(ii) REQUIRED INFORMATION FROM INDIVIDUAL.—The individual may obtain the information described in clause (i) by submitting a request to the Administrator that—

(I) describes the facility at which such information is located; and

(II) identifies the date on which such information was generated.

(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

(I) request the contractor to provide the requested information; and

(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

(5) TIMING.—Except when the Administrator determines that an emergency exists under section 44709(c)(2) or 46105(c), the Administrator may not proceed against an individual that is the subject of an investigation described in paragraph (1) during the 30-day period beginning on the date on which the air traffic data required under paragraph (4) is made available to the individual.

(c) AMENDMENTS TO TITLE 49.—

(1) AIRMAN CERTIFICATES.—Section 44703(d)(2) of title 49, United States Code, is amended by striking ''but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law''.

(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.—Section 44709(d)(3) of such title is amended by striking ''but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of

written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law''.

(3) REVOCATION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS.—Section 44710(d)(1) of such title is amended by striking ''but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law''.

(d) APPEAL FROM CERTIFICATE ACTIONS.—

(1) IN GENERAL.—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual's election, file an appeal in the United States district court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

(2) EMERGENCY ORDER PENDING JUDICIAL REVIEW.—Subsequent to a decision by the Board to uphold an Administrator's emergency order under section 44709(e)(2) of title 49, United States Code, and absent a stay of the enforcement of that order by the Board, the emergency order of amendment, modification, suspension, or revocation of a certificate shall remain in effect, pending the exhaustion of an appeal to a Federal district court as provided in this Act.

(e) STANDARD OF REVIEW.—

(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court, the district court shall give full independent review of a denial, suspension, or revocation ordered by the Administrator, including substantive independent and expedited review of any decision by the Administrator to make such order effective immediately.

(2) EVIDENCE.—A United States district court's review under paragraph (1) shall include in evidence any record of the proceeding before the Administrator and any record of the proceeding before the National Transportation Safety Board, including hearing testimony, transcripts, exhibits, decisions, and briefs submitted by the parties.

SEC. 3. NOTICES TO AIRMEN.

(a) IN GENERAL.—

(1) DEFINITION.—In this section, the term ''NOTAM'' means Notices to Airmen.

(2) IMPROVEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall begin a Notice to Airmen Improvement Program (in this section referred to as the ''NOTAM Improvement Program'')—

(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

(B) to archive, in a public central location, all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment; and

(C) to apply filters so that pilots can prioritize critical flight safety information from other airspace system information.

(b) GOALS OF PROGRAM.—The goals of the NOTAM Improvement Program are—

(1) to decrease the overwhelming volume of NOTAMs an airman receives when retrieving airman information prior to a flight in the national airspace system;

(2) make the NOTAMs more specific and relevant to the airman's route and in a format that is more useable to the airman;

(3) to provide a full set of NOTAM results in addition to specific information requested by airmen;

(4) to provide a document that is easily searchable; and

(5) to provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a NOTAM Improvement Panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement Program under this section.

(d) PHASE-IN AND COMPLETION.—The improvements required by this section shall be phased in as quickly as practicable and shall be completed not later than the date that is 1 year after the date of the enactment of this Act.

SEC. 4. MEDICAL CERTIFICATION.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the Federal Aviation Administration's medical certification process and the associated medical standards and forms.

(2) REPORT.—The Comptroller General shall submit a report to Congress based on the assessment required under paragraph (1) that examines—

(A) revisions to the medical application form that would provide greater clarity and guidance to applicants;

(B) the alignment of medical qualification policies with present-day qualified medical judgment and practices, as applied to an individual's medically relevant circumstances; and

(C) steps that could be taken to promote the public's understanding of the medical requirements that determine an airman's medical certificate eligibility.

(b) GOALS OF THE FEDERAL AVIATION ADMINISTRATION'S MEDICAL CERTIFICATION PROCESS.—The goals of the Federal Aviation Administration's medical certification process are—

(1) to provide questions in the medical application form that—

(A) are appropriate without being overly broad;

(B) are subject to a minimum amount of misinterpretation and mistaken responses;

(C) allow for consistent treatment and responses during the medical application process; and

(D) avoid unnecessary allegations that an individual has intentionally falsified answers on the form;

(2) to provide questions that elicit information that is relevant to making a determination of an individual's medical qualifications within the standards identified in the Administrator's regulations;

(3) to give medical standards greater meaning by ensuring the information requested aligns with present-day medical judgment and practices; and

(4) to ensure that—

(A) the application of such medical standards provides an appropriate and fair evaluation of an individual's qualifications; and

(B) the individual understands the basis for determining medical qualifications.

(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to advise the Administrator in carrying out the goals of the assessment required under this section.

(d) FEDERAL AVIATION ADMINISTRATION RESPONSE.—Not later than 1 year after the issuance of the report by the Comptroller General pursuant to subsection (a)(2), the Administrator shall take appropriate actions to respond to such report.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUCSHON) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BUCSHON. 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 S. 1335.

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

There was no objection.

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

I rise in strong support of the Pilot's Bill of Rights.

S. 1335, the Pilot's Bill of Rights, is intended to restore fairness to airmen and Federal Aviation Administration enforcement proceedings by providing airmen timely access to critical information and adding an additional level of appeal for airmen disputing enforcement action. This bill also requires the FAA to improve the system of providing notices to airmen and directs the FAA to review and approve the medical certification form.

Pilots have expressed frustration and concerns about what they believe is unfair and inequitable treatment during FAA enforcement proceedings before the National Transportation Safety Board. They complain that the burden of proof is on the airman to prove his or her innocence rather than the FAA proving guilt. To address this, the Pilot's Bill of Rights directs that, to the extent the NTSB finds practical, FAA enforcement proceedings should be conducted in accordance with the Federal Rules of Civil Procedure and Federal Rules of Evidence. This is consistent with protections provided to defendants in other parts of our legal system.

The Pilot's Bill of Rights also requires the FAA to better inform and advise an airman, who is the subject of an investigation, of his or her rights. The goal is to provide an airman with better and timely access to information. This includes notifying an airman that the releasable portions of the administrator's investigative report will,

at the appropriate time, be available to the airman.

The bill also clarifies that air traffic data collected by a government contractor that is available to the FAA, such as air traffic communication tapes, radar information, and air traffic controller statements, will also be available to the airman. However, it is important that the pilot community understands that, when the data has to be obtained from a government contractor, time is of the essence. Tapes containing air traffic data from contractors is ordinarily recycled after 15 days and would no longer be available to the FAA or the airman.

S. 1335 eliminates language that expressly bound the NTSB to all validly adopted interpretations of laws and regulations of the FAA unless the NTSB finds an interpretation to be arbitrary, capricious, or otherwise not according to law. The amendments are made only because they are redundant of what is already provided under law. The NTSB, when reviewing FAA cases, will continue to apply principles of judicial deference to the FAA interpretations of the laws, regulations, and policies in accordance with the Supreme Court precedent.

The Pilot's Bill of Rights adds an additional way to appeal to the NTSB's decisions regarding FAA enforcement action.

Currently, an airman goes before an administrative law judge at the NTSB and can appeal any decisions to the full NTSB board and, ultimately, to the court of appeals. According to pilots, the courts generally defer to the NTSB's decisions. It's not a true or fair appellate process.

The Pilot's Bill of Rights allows an airman to elect to file an appeal of his or her case in either the U.S. district court or the U.S. circuit court of appeals. It is the intent of Congress that courts not act in a way that is contrary to civil aviation safety in conducting their reviews of the NTSB's decisions.

Lastly, the Pilot's Bill of Rights requires the FAA to improve the system of providing notices to airmen—NOTAMs—and to undertake an assessment of the medical certification standards and forms. The overwhelming volume of NOTAMs and a vague and outdated medical certification process can lead to confusion and, ultimately, an FAA enforcement proceeding against an airman.

Again, I rise in strong support of S. 1335 and urge my colleagues to do the same.

I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of S. 1335, the Pilot's Bill of Rights.

I want to commend Senator INHOFE from Oklahoma for his leadership on this issue, as well as Chairman PETRI and Congressman BUCSHON, for bringing the bill to the floor in an expedited manner.

S. 1335 revises the process for the Federal Aviation Administration enforcement action against pilots, mechanics, and other airmen. The bill also directs the FAA to streamline important safety-related information provided to pilots before flight.

As I have said many times, the FAA must have the authority and resources necessary to keep the skies safe. To keep the skies safe, the FAA must use its enforcement power to take action, when appropriate, against pilots and other airmen who act in an unsafe manner. This bill does not weaken that authority; rather, it requires the FAA to hand over, at the earliest appropriate time, the evidence that could be used against pilots involved in enforcement actions, and it provides pilots with a new opportunity to test the FAA's enforcement orders in court. Additionally, the bill directs the FAA to streamline its publication of notices to pilots to ensure that they receive high priority and relevant safety information before flight.

This legislation is strongly supported by the Aircraft Owners and Pilots Association and the general aviation community.

Mr. Speaker, I'm pleased to support this bill authored by my friend, Senator INHOFE, and I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge adoption, and I yield back the balance of my time.

Mr. BUCSHON. Mr. Speaker, I rise again in strong support of S. 1335.

I'd like to thank Mr. GRAVES, the gentleman from Missouri, the lead sponsor on the majority side, and Mr. LIPINSKI from Illinois, from the minority side, for bringing this bill to the House floor.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HARPER). The question is on the motion offered by the gentleman from Indiana (Mr. BUCSHON) that the House suspend the rules and pass the bill, S. 1335.

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.

□ 1720

EDWIN L. MECHEM UNITED STATES COURTHOUSE

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3742) to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the ''Edwin L. Mechem United States Courthouse''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) Edwin L. Mechem was a land surveyor with the United States Reclamation Service in Las Cruces, New Mexico, from 1932–1935.

(2) He served as a member of the New Mexico State Police Commission.

(3) He was a Special Agent with the Federal Bureau of Investigation.

(4) He attended the New Mexico College of Agriculture and Mechanic Arts, which later became the New Mexico State University in Las Cruces, New Mexico.

(5) He was admitted to the New Mexico bar in 1939, and practiced law in Albuquerque and Las Cruces, New Mexico.

(6) He served in the New Mexico House of Representatives from 1947–1948.

(7) He was the first New Mexico governor born in New Mexico after statehood.

(8) He served four terms as Governor of New Mexico between 1951 and 1962.

(9) He served as a United States Senator from New Mexico from 1962–1964.

(10) He was confirmed by the United States Senate as a United States District Judge for the District of New Mexico on October 8, 1970, and served in that position until his death in 2002.

(11) He led a rich and accomplished life dedicated to public service which warrants recognition.

SEC. 2. DESIGNATION.

The United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, shall be known and designated as the ''Edwin L. Mechem United States Courthouse''.

SEC. 3. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 2 shall be deemed to be a reference to the ''Edwin L. Mechem United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUCSHON) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3742.

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

There was no objection.

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

H.R. 3742 would designate the United States courthouse in Las Cruces, New Mexico, as the Edwin L. Mechem United States Courthouse.

I want to thank the gentleman from New Mexico, Representative PEARCE, for his work on this legislation.

Judge Mechem served more than 30 years as a U.S. district judge for the district of New Mexico until his death in 2002. Prior to his judicial appointment, Judge Mechem served as Governor of New Mexico for four terms. He also served as a U.S. Senator as well as a member of the New Mexico House of Representatives. Earlier in his career, he worked as a special agent for the FBI.

Judge Mechem dedicated his life to public service. I believe it is fitting to name this courthouse after him. I support passage of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, I support H.R. 3742. It was introduced by the gentleman from New Mexico, and it would designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the Edwin L. Mechem United States Courthouse.

Judge Edwin L. Mechem spent a lifetime in public service. Early in his career, he was a special agent of the Federal Bureau of Investigation during World War II and, later, a land surveyor for the U.S. Reclamation Service.

In 1947, Judge Mechem was elected to the New Mexico House of Representatives and went on to become a four-term Republican Governor of the State of New Mexico. Later, he was appointed to the United States Senate to represent the State of New Mexico.

In 1970, President Nixon appointed Judge Mechem as a Federal judge on the U.S. district court for the district of New Mexico, where he served for 32 years before he passed away in 2002.

Judge Mechem will be remembered for his commitment to public service and his distinguished service as a Federal judge.

Mr. Speaker, I encourage my colleagues to support H.R. 3742, and I reserve the balance of my time.

Mr. BUCSHON. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. I thank the gentleman for yielding.

Mr. Speaker, I would like to start by thanking Subcommittee Chairman DENHAM and Ranking Member HOLMES NORTON, Committee Chairman MICA and Ranking Member RAHALL for moving H.R. 3742.

I rise today in strong support of this bill.

This bill is very simple. It would name the United States courthouse located in Las Cruces, New Mexico, as the Edwin L. Mechem United States Courthouse.

Governor Mechem was a community leader who dedicated his life to public service. He was a four-term Governor of New Mexico and the first Governor born in New Mexico post-statehood. Governor Mechem also served New Mexico as a member of the New Mexico House of Representatives, in the United States Senate, and as a United States district judge for the district of New Mexico. He presided as United States district judge from 1970 until his death in 2002.

Governor Mechem was born in Alamogordo, New Mexico, shortly after New Mexico gained statehood. He attended what later became New Mexico State University in Las Cruces, New Mexico. And following graduation from the University of Arkansas School of Law, he returned to New Mexico to practice law.

Despite having a successful law practice, Governor Mechem answered America's call and joined the FBI during World War II. After the Allied victory, Governor Mechem returned to his practice, but then ran for a seat in the house of representatives, for which he was elected. He served two terms in the State house, then made a successful bid for Governor of the State of New Mexico. He went on to become the only four-term Governor of New Mexico. Governor Mechem then served 2 years as a United States Senator.

On October 8, 1970, Governor Mechem took the next step of his life in service when he was confirmed by the United States Senate as United States district judge for the district of New Mexico. He dutifully served in that position until his death in 2002.

In a letter to my office, his wife Josephine Mechem wrote:

> He loved this State from one end to the other, and vacations were rarely taken outside of New Mexico. All his life, the thing he loved most was to spend his free time driving the back roads, checking the water situation, and seeing that all was well with our crops, our businesses, and our communities.

This year marks the 100th anniversary of New Mexico's statehood, and July 2, 2012, was Governor Mechem's 100th birthday. Naming this courthouse the Edwin L. Mechem United States Courthouse during 2012 is an honor befitting his life of service; and, as such, I ask my colleagues in the House to vote in favor of H.R. 3742. I would also strongly encourage quick action and passage by our friends in the Senate.

Mr. COSTELLO. Mr. Speaker, at this time I would ask my friend from Indiana if he has additional requests for time.

Mr. BUCSHON. I have no further requests for time.

Mr. COSTELLO. Mr. Speaker, I urge support of this legislation and yield back the balance of my time.

Mr. BUCSHON. Mr. Speaker, I, again, rise in support of H.R. 3742 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUCSHON) that the House suspend the rules and pass the bill, H.R. 3742.

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.

ROBERT H. JACKSON UNITED STATES COURTHOUSE

Mr. BUCSHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3556) to designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3556

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse at 2 Niagara Square, Buffalo, New York shall be known and designated as the ''Robert H. Jackson United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Robert H. Jackson United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUCSHON) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. BUCSHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3556.

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

There was no objection.

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

H.R. 3556 would designate the courthouse in Buffalo, New York, as the Robert H. Jackson United States Courthouse. Justice Jackson was an associate Justice to the United States Supreme Court from 1941 to 1954. He had a long career in public service, including participating in the landmark desegregation case Brown v. Board of Education, and serving as chief counsel for the United States in charge of prosecuting Nazi leaders at Nuremberg. Justice Jackson served the Nation and advanced justice both here and at Nuremberg.

I think it's appropriate to honor his dedication by naming this courthouse after him. I support passage of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

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

I rise in support of H.R. 3556, introduced by the gentleman from New York (Mr. HIGGINS).

The bill would designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse''.

Associate Supreme Court Justice Robert H. Jackson is considered one of the finest legal experts in American history.

He served in the U.S. Treasury Department and in several roles within the U.S. Department of Justice, including Attorney General. In 1938, Justice Jackson was appointed as the U.S. Solicitor General where he argued more than 30 cases before the U.S. Supreme Court.

In 1941, Justice Jackson was appointed to the U.S. Supreme Court by President Franklin

D. Roosevelt. Justice Jackson served for 13 terms on the U.S. Supreme Court and in 1945, at the request of President Harry S. Truman, Justice Jackson took a leave of absence from the Supreme Court to serve as the United States Chief Prosecutor in the "Nuremberg Trials" where Nazi war criminals were tried.

He was admired for his work in addressing how these trials were organized, the standards of evidence, and the rights of all defendants, setting the stage for the development of modern international law.

Justice Jackson will be remembered for his outstanding work in the legal system and for his strong commitment to public service. Therefore, it is appropriate that the new United States courthouse in Buffalo, New York, be named in his honor.

I support this bill and encourage my colleagues to support H.R. 3556.

At this time, Mr. Speaker, I yield 5 minutes to my good friend, Congressman HIGGINS from New York.

Mr. HIGGINS. Mr. Speaker, the new Federal courthouse in Buffalo opened last November. It opened to great fanfare, and rightly so, because it is a beautiful building that enhances our community and will provide needed space for the crucial work that is done there.

But the opening of the courthouse was also significant to western New York because it did not come easily.

In the 1990s, Federal Judges William Skretny and Richard Arcara began to make the case that the Michael Dillon Courthouse in Buffalo was no longer suitable for the growing caseload of the Western District of New York. The United States Judicial Conference agreed, and they ranked a new courthouse in Buffalo near the top of the list of new facilities it annually sends to Congress. Yet Judges Skretny and Arcara watched along with the rest of our community as Congress repeatedly passed over Buffalo for other facilities around the country. But the judges kept fighting, and so did Buffalo.

We finally passed the funding through Congress in 2007, and we now have a magnificent 10-story structure right on historic Niagara Square that we can be proud of.

□ 1730

Mr. Speaker, the bill before us today would name this new courthouse for Supreme Court Justice, chief U.S. prosecutor at the Nuremberg trials, Solicitor General and U.S. Attorney General Robert H. Jackson. He is a uniquely western New York story and a uniquely American story.

Robert Jackson was raised near Jamestown, New York, and spent the first 42 years of his life in western New York. For a time, he lived on Johnson Park, now in the shadow of the new courthouse, and practiced law in the historic Ellicott Square Building. He would often walk to work from his home, passing the site where the new courthouse now sits. He was a prominent attorney in Buffalo when he was called to Washington by President Franklin Roosevelt.

As U.S. Solicitor General, he argued more than 30 cases before the United States Supreme Court, on which he would later sit. Louis Brandeis, the constitutional scholar and a former member of the U.S. Supreme Court, said at the time that Jackson was so good as Solicitor General, he "should be Solicitor General for life."

And as U.S. Attorney General, Jackson focused on national security issues as the United States headed toward involvement in World War II.

Robert Jackson served the United States Supreme Court for 13 terms and took part in the landmark decision prohibiting segregation, Brown v. Board of Education. He is celebrated as among the most accomplished writers in the Court's history. In fact, constitutional scholar Laurence Tribe called him "the most piercingly eloquent writer ever to serve on the United States Supreme Court."

At the request of President Truman, Jackson took a leave of absence from the Court to serve as the chief prosecutor of Nazi war criminals at the International Military Tribunal, commonly known as the Nuremberg trials. He designed and was the driving force behind this first international trial, bringing Nazi criminals to justice while establishing an important foundation of international law.

In his oral arguments at Nuremberg, he spoke not only to the assembled tribunal, he spoke to the world of the American ideals of justice and freedom, and of freedom being the essence of man. He said America's history and promise is to help other nations define freedom in their own terms. Jackson's oral arguments at Nuremberg are considered among the greatest speeches of the 20th century.

Shortly after the Nuremberg trials concluded, Justice Jackson was invited to speak at the University of Buffalo's centennial celebration at Kleinhans Music Hall on October 4, 1946. With over 2,000 people in attendance, Jackson's speech was delivered with power and eloquence. In it, he said that "education is humanity's hope," connecting his work at Nuremberg to the work of the university, and he received an honorary degree of doctor of laws from the University of Buffalo.

The leadership of the western district of New York has endorsed naming their building in honor of Justice Jackson. Judge Skretny called him the most distinguished jurist and most acclaimed legal mind to come out of western New York. Jackson is the only member of the United States Supreme Court from western New York, making this honor especially significant.

I want to thank Chairman MICA and Ranking Member RAHALL for bringing this bill to the floor today; and I would like to thank the western New York congressional delegation—KATHY HOCHUL, LOUISE SLAUGHTER, and TOM REED—and the entire New York delegation, including our two Senators, for their bipartisan and unanimous support of this bill.

This is a proud day for western New York, and I urge my colleagues to support this legislation.

Mr. BUCSHON. Mr. Speaker, I continue to reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I urge support of this legislation, and I yield back the balance of my time.

Mr. BUCSHON. Mr. Speaker, I also urge support for H.R. 3556, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. BUCSHON) that the House suspend the rules and pass the bill, H.R. 3556.

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.

ROBERT BOOCHEVER UNITED STATES COURTHOUSE

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4347) to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boochever United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 709 West 9th Street in Juneau, Alaska, shall be known and designated as the "Robert Boochever United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert Boochever United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4347.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 4347 would designate the United States Courthouse in Juneau, Alaska, as the Robert Boochever United States Courthouse.

Judge Boochever served our country as a captain in the U.S. Army during World War II and then moved to Alaska in 1940, where he worked in the U.S. Attorney's Office and in private practice. In 1972, he was appointed to the Alaska

Supreme Court and served 3 years as the chief justice. In 1980, he was the first Alaskan appointed as a judge to the Federal Ninth Circuit Court of Appeals and served as a Federal judge for more than 30 years until his death in 2011.

Judge Boochever's commitment to the law and service made him a well-respected jurist, and so I am pleased to be the sponsor of this legislation. I support the passage of this legislation and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, H.R. 4347 designates the United States courthouse located at 709 West Ninth Street in Juneau, Alaska, as the Robert Boochever United States Courthouse.

Mr. Speaker, Judge Boochever will always be remembered for his outstanding legal expertise and his extraordinary role in the Juneau community, making it appropriate for the new United States courthouse in Juneau, Alaska, to be designated as the Robert Boochever United States Courthouse.

Mr. Speaker, I support this legislation and encourage my colleagues to support the legislation and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I urge 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 Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 4347.

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.

AUTHORIZING STATE OR LOCAL GOVERNMENT TO CONSTRUCT LEVEES ON CERTAIN PROPERTIES

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2039) to allow a State or local government to construct levees on certain properties otherwise designated as open space lands.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2039

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEVEES.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''covered hazard mitigation land'' means land—

(A) acquired and deed restricted under section 404(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)) before, on, or after the date of enactment of this Act; and

(B) that is located—

(i) in North Dakota; and

(ii) in a community that—

(I) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(II) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) AUTHORITY.—Notwithstanding clause (i) or (ii) of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(b)(2)(B)), the Administrator shall approve the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if the Administrator and the Chief of Engineers determine, through a process established by the Administrator and Chief of Engineers and funded entirely by the State, local, or tribal government seeking to construct the proposed levee, that—

(1) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(2) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee would continue to meet best available industry standards and practices, would be the most cost-effective measure to protect against the assessed flood risk and minimizes future costs to the federal government;

(3) the State, local, or tribal government seeking to construct the proposed levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(A) specifying the maintenance activities to be performed;

(B) specifying the frequency with which maintenance activities will be performed;

(C) specifying the person responsible for performing each maintenance activity (by name or title);

(D) detailing the plan for financing the maintenance of the levee; and

(E) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee.

(c) MAINTENANCE CERTIFICATION.—

(1) IN GENERAL.—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(3).

(2) REVIEW.—The Chief of Engineers shall review a certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Missouri (Mr. CARNAHAN) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2039.

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

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the gentleman from North Dakota (Mr. BERG) be permitted to control the balance of my time.

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

There was no objection.

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

Mr. Speaker, Senate bill S. 2039 is a bipartisan bill sponsored by Senators from North Dakota CONRAD and HOEVEN, which passed the Senate by unanimous consent in January of this year. This bill will provide a great deal of help to the citizens of our State.

The text of S. 2039 allows for a process of building permanent levees on Federal land in North Dakota, with the approval of FEMA and the Army Corps of Engineers. I want to highlight the unique situation we have in North Dakota, and this legislation intends to address just that.

First of all, Fargo, North Dakota. It has faced repeated flooding along the Red River, which runs through the heart of the city. The city has constructed a permanent levee that runs along as much of the river as possible. However, over the years, some properties have been bought out along the riverbank with Federal funds.

□ 1740

As a result, we have a patchwork of properties that exist along this levee system with gaps in the system. Recurring flooding along the Red River requires temporary levees to go up nearly every year only to be taken down, and what happens, repeatedly, over and over, is a taxpayer waste of money.

Minot, North Dakota, will have the same problem. As my colleagues know, Minot faced enormous flooding last spring. Thousands of homes were lost, and the community sustained hundreds of millions of dollars in damages. The city of Minot now plans to rebuild a major new flood protection system, including rebuilding the levees that were in place. This is in the middle of the city along the Souris River. This means that Minot will face the same frustration and expense of constructing and removing temporary levees year after year, just as it is in Fargo.

The solution is to simply permit levee construction on federally purchased property in these areas of North Dakota, with the approval of FEMA and the Corps. It's important to note that in both Fargo and Minot, a levee will be in place regardless of this legislation.

What this commonsense bill is trying to prevent is the absurdity and the expense to taxpayers of building and then taking down a temporary levee every year every time there's a flood.

This bill does contain important restrictions to ensure undue Federal costs are not incurred. Under this bill, before approving any project, FEMA and the Army Corps of Engineers must first determine that the levee will be effective in mitigating against the flood risk versus having an open floodplain, that permanent levee flood protection would be the most cost effective measure to protect against flood risk and minimize the future cost to the Federal Government, and also, that the State or local government seeking to build the levee has provided adequate, detailed plans for maintenance of the proposed levee and the State or local government has a detailed finance plan to pay for it.

All of the above must be demonstrated before the construction plan can be approved. Furthermore, this Federal review itself must be paid for entirely by the local or State government.

Mr. Speaker, the construction of a permanent levee is far more fiscally responsible than the annual costs associated each year with tearing down, building and tearing down these temporary levees. Most importantly, this legislation eliminates the cost that FEMA and the Corps of Engineers have already incurred time and time again as they're forced to build these and tear them down, the temporary levees in the State of North Dakota.

This legislation provides better stewardship of taxpayer dollars. It provides sound protections against future Federal expense, and it will save the local, State and Federal Government money. Most importantly, it will ensure better flood protection for the communities of Minot and Fargo in North Dakota.

I ask my colleagues for their support of this legislation and reserve the balance of my time.

Mr. CARNAHAN. Mr. Speaker, I yield myself as much time as I may consume.

With respect to the gentleman from North Dakota, there are some differences on this bill.

I rise to ask my colleagues to vote ''no'' on S. 2039, a bill that would increase the likelihood of flooding along the Missouri River that impacts several States, putting millions of people at risk. This legislation has not had a hearing in either the House or the Senate, nor has the public or impacted federal agencies had an opportunity to weigh in.

The bill goes against longstanding Federal policy that would still apply to the other 49 States—just not North Dakota. Once Federal funds are used to relocate communities and buildings out of floodplains, that land is meant to be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational or wetlands management practices. This bill would stop that from happening in North Dakota, despite the fact that the issue was already addressed with specific allowances for communities in North Dakota in the recently signed into law Biggert-Waters Flood Reform Act of 2012. This bill that's on the floor today doesn't require local communities to reimburse the Federal Government and taxpayers for those previous buyouts.

Without hearings, it's hard to understand why S. 2039 is even necessary. Mr. Speaker, floods are the most frequently occurring natural disaster in this Nation. They happen in all 50 States. According to NOAA, there has been a steady increase in the U.S. of extreme flooding events. In fact, my home State of Missouri has had its fair share. In 2008, we faced a 200-year flood. In 1993, it was a 500-year flood. We're talking about incredibly abnormal levels of flooding that would only be exacerbated by this bill.

Last year, in St. Louis, we faced millions of dollars in losses because of weeks upon weeks of flooding. Again, it was a flood that the Army Corps of Engineers expects to occur every 10 to 25 years. River barge traffic, transporting billions in crops, were delayed. Riverboat casinos were closed for 6 to 8 weeks. Estimates of farmland crop damage was as high as $2 billion.

Missouri was not the only State to suffer. Kentucky saw $5 million in damage, and 1,300 homes around Memphis were damaged. Mississippi suffered hundreds of millions of dollars of damage. This devastation was not from rainfall in Missouri or in the other States affected. It was created by runoff a thousand miles north in North Dakota.

Increased rainfall in that State leads to flooding downstream in my State and others. This bill would allow levees to be created that would greatly increase the chances of that flooding. Rather than exempting North Dakota from the Stafford Act, we should be returning North Dakota to a natural state of marshes and wetlands along the river. These areas absorb significant amounts of water, slow runoff water and minimize the frequency that streams and rivers reach catastrophic flood levels.

Rather than protecting the environment and letting nature do what it is designed to do, this bill would set precedent for other States—increasing catastrophic flood levels across the country and devastating our Nation's businesses, farms and infrastructure.

Therefore, I urge my colleagues to vote ''no'' on this bill, and I reserve the balance of my time.

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

I want to just really make this perfectly clear. This is not affecting the Missouri River. This is focused on a very flat area in the eastern part of our State. As was mentioned, this came through the Senate with unanimous consent. Senators along the Missouri River from North Dakota all the way down were supportive of this.

The essence of this problem is that we have a levee. This is a downtown levee that's in a city, and there are gaps there. And what happens is when there's a flood—and every year we have a recurring flood—a temporary levee is put in. Trucks come in and clays come in, it tears it up, and they build it, and as soon as that's done, it's all torn down again. This is disruptive, and it impacts the natural habitat there. That is where this is focused to be.

The other thing that is really important here that I would like to stress, this legislation requires the Corps of Engineers to approve it. Those of us who have been dealing with the Missouri River know the Corps management would not approve of anything that would disrupt the Missouri waterway all the way down.

Mr. Speaker, this is an urgent thing. The reason it's urgent is our State has had 10,000 people dislocated from 4,000 homes, and these people had the uncertainty of not knowing where they can rebuild, what they can do. This will help the city of Minot move forward with their housing needs. There are 1,400 families that are currently not back in their homes. They're living in trailers, living with neighbors and living with friends. They're not sure when these temporary levees go down what they should do next. That's really the urgency of this bill, and why that's why it's before you today.

So, Mr. Speaker, I do urge my colleagues to support this bill, and I will reserve the balance of my time.

Mr. CARNAHAN. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1750

Mr. BLUMENAUER. I appreciate the gentleman's courtesy as I appreciate his leadership on this issue. He comes from an area that has seen its own devastations in terms of flood.

We're talking about a river system where we have engineered the area, and we have been fighting for years to try and attain an appropriate balance.

This is not a fiscally responsible approach. It's interesting that it is opposed by Taxpayers for Common Sense, the National Taxpayers Union, the American Conservative Union, the Competitive Enterprise Institute, who have joined in common cause with a wide array of environmental organizations, as well as the professionals who deal with the management of floodplains, the Association of State Floodplain Managers, and a vast array of businesses, particularly those that are involved with the insurance and reinsurance. This is a prescription for disaster.

Now, bear in mind that in the transportation bill—recently approved—there were proposals that were part of the flood issue that were for five parcels. This legislation—that as my

friend from St. Louis points out has never had a hearing—would open it up to some 37,000 units of land in North Dakota. It doesn't restrict it.

Additionally, it doesn't require that the Federal Government—that paid for this land to be taken and put in a natural state where it could absorb the floodplain, the floodwaters—that they get this for free.

Now, Mr. Speaker, I've worked in flood insurance reform now for over 10 years. The last major flood insurance bill I was coauthor with my good friend, Doug Bereuter. We worked hard to try and make sure that we weren't going to subsidize people to live in places where nature has shown repeatedly that they don't belong, and that we weren't going to be in a situation where one part of the Federal Government subsidizes to move the problem downstream.

What we see repeatedly is that, with major river systems that are fortified, that we try and fight against nature by putting in a series of levees. What it does is it channels that water, it accelerates and it moves it downstream and actually makes flooding worse.

Now, it also, in a very perverse way, increases the risk in some of these areas that get levees, because ultimately there are floods. When you put a levee in, you give the illusion of safety, and then there's more development behind the levee. So instead of having natural area absorbing the runoff and avoiding loss—because the taxpayers are now off the hook for loss in these areas that we have purchased and returned to a natural state—then you have the cycle repeating.

There's a reason this vast array of organizations are opposed to it. It's not environmentally sound; it's not fiscally sound; it violates important principles of flood control; it's going to make it harder for people. Bear in mind, these parcels were voluntarily purchased, but are people going to give up land in the future if it might be subject to a levee and development and a repetition of flooding? I think not.

So I would really hope that my colleagues pay careful attention to this legislation. Look at the vast array of groups and organizations that are opposed to it. Question why it is coming to the floor without ever having a hearing. And most important, look at the devastation that will occur if we move away from these established principles. Listen to the floodplain managers. Listen to the environmentalists. Listen to the taxpayer advocates. Protect the system. Reject this ill-conceived measure.

GROUPS OPPOSED TO S. 2039

Taxpayers for Common Sense; R Street; National Taxpayers Union; SmarterSafer.org; American Consumer Institute; American Conservative Union; Competitive Enterprise Institute; Less Government; Association of Bermuda Insurers and Reinsurers; National Association of Mutual Insurance Companies; National Flood Determination Association; Reinsurance Association of America; National Leased Housing Association; Association of State Flood Plain Managers.

Institute for Liberty; National Fire Protection Association; Friends of the Earth; American Rivers; Ceres; Defenders of Wildlife; Environmental Defense Fund; National Wildlife Federation; The Nature Conservancy; Republicans for Environmental Protection; Sierra Club; Clean Air-Cool Planet; ConservAmerica; Association of State Wetland Managers.

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

I mean, these are exactly why we need to do this. I mean, there's passion when it comes to floods, passion when it comes to levees. What concerns me is people don't understand probably what the Red River Valley is like. This is flat. When there's a break in the levee, this is not just a few homes, this will be miles and miles and miles.

I want to be very clear: the levee will be there, it's going to be there. The only thing we're doing here is, right now, the Federal Government, when there is a flood, pays for this. The Federal Government shares in the cost to build a temporary levee. A month later, they pay for it to tear it down—time and time again.

If you're concerned about the environment or you're concerned about disruption, this is where we need to have that part of a levee system, a permanent levee system that's already in place that has very little impact on the environment.

As we can work through these commonsense things, these commonsense solutions, this will help build a relationship so we can solve these problems and move longer term, both in flood protection as well as the Missouri River.

Again, just to reiterate that point: this bill has nothing to do with the Missouri River—in fact, it did pass under unanimous consent in the Senate, with the Senators up and down Missouri supporting it.

I reserve the balance of my time.

Mr. CARNAHAN. Mr. Speaker, again, I think we're seeing the complexity of this issue.

I just want to follow up on the gentleman from Oregon's remarks, that the groups that have weighed in on this bill, from taxpayer groups on the conservative side, to professional managers, to more progressive environmental groups have weighed in against this bill.

Under the previously agreed general leave request, I want to include letters and statements in opposition to S. 2039 from over 30 national and State organizations, including the Association of State Floodplain Managers, Taxpayers for Common Sense, the National Taxpayers Union, the Competitive Enterprise Institute, American Rivers, the National Wildlife Federation, the Nature Conservancy, and Republicans for Environmental Protection—not a list of groups you often see on the same page, Mr. Speaker.

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

TAXPAYERS FOR COMMONSENSE, R STREET, NATIONAL TAXPAYERS UNION,

July 23, 2012.

DEAR REPRESENTATIVE: We are strongly opposed to S. 2039, a bill that is on the suspension calendar for a vote today. This bill would allow communities in North Dakota to construct levees on land that was so flood-prone that federal taxpayers bought out the property owners on the condition of no future development Construction of the levees will inevitably lead to more high risk development and future costs to taxpayers. In short, the taxpayer will be forced to pay twice or more.

The Federal Emergency Management Agency Hazard Mitigation Grant Program (HMGP) enables voluntary buy-outs of frequently flooded property, and to prevent future losses (and costs to the federal government) the communities agree not to develop the property in the future.

Instead of rectifying specific instances where problems with the program may have arisen, or pursuing other solutions, this bill applies broadly across the state of North Dakota. In fact, while this legislation is specifically targeted at North Dakota, the bill would set a precedent that could have national implications. And it would trigger potentially significant future costs that would be avoided by simply not building on the land as was originally agreed. In fact, taxpayers would be subsidizing the levee construction by purchasing the land, which would enable the future levee project and the local cost-sharing partner to avoid real estate fees. A costly pattern could develop: the federal taxpayer buys the property and a short while later the community opts out of the program and builds a levee on the ''free'' land.

We urge you to oppose S. 2039. This controversial bill should not have been placed on the suspension calendar and should not be approved. For more information contact Steve Ellis at 202–546–8500 x126 or steve,taxpayer.net.

Sincerely,

STEPHEN ELLIS,
Vice President, Taxpayers for Common Sense.

ELI LEHRER,
President, R Street.

ANDREW MOYLAN,
Vice President of Government Affairs National Taxpayers Union.

SMARTERSAFER.ORG

DEAR REPRESENTATIVE: As a diverse coalition of taxpayer advocates, environmental groups, and insurance interests, we write to express our concerns regarding S. 2039, a bill that would exempt the state of North Dakota from Stafford Act requirements designed to protect property, the environment, and taxpayer interests.

As currently written, the Stafford Act requires that once federal funds are used to relocate communities and buildings out of floodplains, the land will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreation, or wetlands management practices. S. 2039 would allow communities that voluntarily accepted buyout funds and agreed to maintain the bought out land as open space to no longer abide by their agreements. This will negatively impact wetland protection, wildlife habitat, and water quality as well as burden taxpayers.

S. 2039 was proposed to address a circumstance in North Dakota in which temporary levees are built on land bought out

under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) during a flood. The legislation gives North Dakota—and no other state—the ability to build permanent levees on land purchased with federal dollars and deed restricted as open space. This would allow for development on land that is restricted as a result of the buyout.

The bill undermines the purpose of the Hazard Mitigation Grant Program (HMGP). Property acquisition for open space under FEMA's mitigation programs is a commonsense flood risk management approach. Communities can choose to relocate homes and businesses that are in flood-prone areas, eliminating the risk of flooding to those structures and eliminating the need for federal taxpayers to pay for recovery every time the structures flood. The space remains deed-restricted open space to ensure that the taxpayer investment in that area is preserved. Even better, it absorbs flood waters that would otherwise flood areas downstream. These important goals are undermined by S. 2039.

Federal taxpayers have already paid once to purchase the land in question, and the open space requirement ensures that the taxpayers will not have to pay disaster costs associated with this land again. While the Senate's requirement that the bill require state, local, or tribal funding of levee construction represents a slight improvement, federal taxpayers will still ultimately be on the hook for many levees. By enrolling the completed levees in the U.S. Army Corps of Engineers' (USACE) Rehabilitation and Inspection Program, local partners are eligible for the 80% federal share of future rehabilitation and repair costs.

We are also concerned that in the long run, S. 2039 will unintentionally result in harm to unsuspecting North Dakota communities by encouraging more development behind the constructed levees. In addition, flood waters have to go somewhere and, since North Dakota alone will be able to build new levees, flooding may occur in other areas.

FEMA's HMGP buyouts occur most often in deep floodplains, right next to the rivers because these areas receive the heaviest damage to structures. These portions of the floodplains are incredibly valuable for the multiple environmental benefits in addition to their ability to convey and store floodwaters naturally. They also help to clean water and provide areas for recreation, fishing, hunting, and wildlife habitat. In addition, communities that allow room for rivers and protect their floodplains are more resilient to the next flood and often recover more quickly from a flood event.

S. 2039 would only benefit communities in North Dakota; however, it sets a dangerous precedent for undermining mitigation elsewhere.

We understand the challenges North Dakota and other states and communities face as they attempt to recover from floods. However, we do not believe S. 2039 is the solution. A Memorandum of Understanding currently exists between the USACE and FEMA that allows these agencies to provide limited exemptions on buyout land for certain circumstances. Nearly any difficult circumstance could—and should—be addressed through this process rather than by undermining the entire purpose of HMGP.

Sincerely,

SMARTERSAFER.ORG.

MEMBERS

Environmental Organizations: American Rivers; Ceres; Defenders of Wildlife; Environmental Defense Fund; National Wildlife Federation; The Nature Conservancy; Republicans for Environmental Protection; Sierra Club.

Consumer and Taxpayer Advocates: American Consumer Institute; American Conservative Union; Competitive Enterprise Institute; Less Government; National Taxpayers Union; R Street.

Insurer Interests: Association of Bermuda Insurers and Reinsurers; National Association of Mutual Insurance Companies; National Flood Determination Association; Reinsurance Association of America.

Housing: National Leased Housing Association,

Allied Organizations: Association of State Flood Plain Managers; Friends of the Earth; Institute for Liberty; National Fire Protection Association; Taxpayers for Common Sense.

ASSOCIATION OF STATE FLOODPLAIN MANAGERS, INC.

Madison WI, July 17, 2012.

Controversial Bill will be Considered Today under Suspension of Rules.

DEAR REPRESENTATIVE: Good morning! I wanted to draw your attention to a bill that is being brought up on the House floor today under Suspension of the Rules which the Association of State Floodplain Managers feels is actually very controversial and not suitable for consideration under Suspension. The bill (S. 2039) would allow a State or local government to construct levees on certain properties bought out by taxpayers and designated as deed-restricted, open space land. The measure was passed by the Senate this past winter under Unanimous Consent very shortly after it was introduced so the bill has had exactly zero debate or discussion!

Here are the reasons ASFPM feels it is controversial:

While this bill is limited to North Dakota, it opens the door to do this activity nationally. It would be established as a pilot program. There are more than 37,000 properties nationally that are permanently deed restricted (bought out using taxpayer money) and costing the taxpayers nothing in future flood damage costs or in operation and maintenance costs.

This would turn the Federal Emergency Management Agency Hazard Mitigation Grant Program (HMGP) into a Community Redevelopment Program. FEMA hazard mitigation programs are meant for loss reduction and are intended to use the natural functions of a floodplain for water conveyance and storage. Placement of a permanent levee on the land induces increased development behind the levee and, therefore, increased consequences and costs when the levee fails or overtops. Because participation in mitigation buy-outs is voluntary, less participation can be expected if property owners think their land will be used for redevelopment rather than open space.

Taxpayers will be paying twice for less mitigation than currently exists. Buy-out land can be flooded to any height and not be damaged. What this bill would allow is not only a structure that could be damaged, but also could lead to damage to all of the newly induced development behind the levee. This is what happened in New Orleans after Hurricane Katrina. Levees and floodwalls fail and are overtopped. Taxpayers have already paid for 100% mitigation on these acquired properties.

Levees on deed-restricted taxpayer buy-out land would often lead to poor floodplain management. They will usually be built close to the river since that is where most buy-outs occur. That results in squeezing the river resulting in greater flood heights, greater water velocity and flooding both upstream and downstream of the levee. One alternative would involve the community using CMG or other funds to buy out land behind the deed-restricted land and building a setback levee. Such a levee could be much smaller and retain the deed-restricted land for natural floodplain functions of water conveyance and storage. This bill would have the effect of promoting poor and expensive floodplain management practices.

The bottom line is that this bill sets a terrible precedent, is bad public policy, and should at least have adequate discussion and a hearing by the Congress. Since the FEMA HMGP program has been in place (1988) these deed restrictions have been in place and have worked well across the country. ASFPM was concerned after it passed the Senate and sent the attached letter to the House Transportation and Infrastructure Committee. ASFPM feels a vote under suspension is inappropriate. We hope that your Representative will vote against this measure. Please do not hesitate to contact me if you have any questions.

Respectfully,

CHAD BERGINNIS, CFM,
Executive Director.

THE AMERICAN CONSUMER INSTITUTE, AMERICAN RIVERS, THE ASSOCIATION OF STATE FLOODPLAIN MANAGERS, CLEAN AIR-COOL PLANET, CONSERVAMERICA, FRIENDS OF THE EARTH, TAXPAYERS FOR COMMON SENSE, NATIONAL WILDLIFE FEDERATION, THE NATURE CONSERVANCY.

DEAR REPRESENTATIVE: On behalf of our members and supporters across the nation, we write to express our concerns regarding S. 2039, a bill that would exempt the state of North Dakota from Stafford Act requirements designed to protect property, the environment, and taxpayer interests. As currently written, the Stafford Act requires that once federal funds are used to relocate communities and buildings out of floodplains, the land will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices. S. 2039, which will be considered tomorrow on the suspension calendar, has passed the Senate and now will receive a House vote without receiving any hearings or in depth consideration in either chamber of Congress. This bill would negatively impact wetland protection, wildlife habitat, and water quality while it sticks taxpayers with enormous bills. As such, we urge you to oppose this legislation.

S. 2039 was proposed to address a circumstance in North Dakota in which temporary levees that are built on land bought out under Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) during a flood, be removed following the flood. The legislation gives North Dakota—and no other state—the ability to build permanent levees on land purchased with federal dollars and deed restricted as open space. This proposal, to put it simply, is unwise, financially costly, destructive, and unnecessary.

The proposal is unwise because it violates the purpose of the Hazard Mitigation Grant Program. Property acquisition for open space under FEMA's mitigation programs utilizes a commonsense flood risk management approach. By relocating homes and businesses that are in flood-prone areas, we eliminate the risk of flooding to those structures, and eliminate the need for the federal taxpayers to pay for recovery every time the structures flood. The space remains as deed-restricted open space to ensure that the taxpayer investment in that area is preserved. Even better, it absorbs flood waters that would otherwise flood areas downstream.

HMGP exists for this purpose while the proposed law allows states to work against that explicit purpose.

The bill will also cost an enormous amount of money. The Federal taxpayer has already paid once to purchase the land in question and the open space requirement ensures that the taxpayers will not have to pay disaster costs associated with this land again. In addition, once the levees are built, many people living behind the levees will become eligible for de facto subsidized federal flood insurance that otherwise wouldn't be sold in the area. While the Senate's requirement that the bill require state, local, or tribal funding of levee construction represents a slight improvement, federal taxpayers will still ultimately be on the hook for many levees. By enrolling the completed levees in the U.S. Army Corps of Engineers' (USACE) Rehabilitation and Inspection Program, local partners are eligible for the 80% federal share of future rehabilitation and repair costs.

The law is also destructive. We are concerned that in the long run S. 2039 will unintentionally result in harm to unsuspecting North Dakota communities by encouraging more development behind the constructed levees. The 2011 floods brought images of walls of water flooding homes after levees breached or overtopped, reminding us that it is impossible to out-build Mother Nature. In the long run, flood waters have to go somewhere and, since North Dakota alone will be able to build new levees, many of them will flood other areas. There is no way of getting around this.

This is even worse because FEMA's HMGP buy-outs occur most often in deep floodplains, right next to the rivers, because these are areas that receive the heaviest damage to structures. These portions of the floodplains are incredibly valuable for the multiple environmental benefits they provide in addition to their ability to convey and store floodwaters naturally. They also help to clean water, provide areas for recreation, fishing, hunting, and wildlife habitat. In addition, communities that allow room for rivers and protect their floodplains are more resilient to the next flood and often recover more quickly from a flood event.

In any event, the law simply isn't necessary. No policy—including HMGP's current programs—is perfect and, for just that reason, Memorandum of Understanding currently exists between the USACE and FEMA that allows these agencies to provide limited exemptions on buyout land for certain circumstances. Nearly any difficult circumstance could—and should—be addressed through this preexisting process, rather than by undermining the entire purpose of HMGP.

We understand the challenges North Dakota and other states and communities face as they attempt to recover from floods. Increased federal flexibility can help them do this. But S. 2039, in its current form, is just bad public policy.

Sincerely,

ADAM KOLTON,
Executive Director, National Advocacy Center, National Wildlife Federation.

DAVID JENKINS,
Vice President for Government and Political Affairs, ConservAmerica.

SARAH WOODHOUSE MURDOCK,
Acting Director, Climate Change Adaptation Policy, The Nature Conservancy.

STEVE POCIASK,
President, The American Consumer Institute.

STEVE ELLIS,
Vice President, Taxpayers for Common Sense.

BROOKS B. YEAGER,
Executive Vice President for Policy, Clean Air-Cool Planet.

JIM BRADLEY,
Senior Director of Government Relations, American Rivers.

BEN SCHREIBER,
Climate and Energy Tax Analyst, Friends of the Earth.

CHAD BERGINNIS,
Executive Director, The Association of State Floodplain Managers.

AMERICAN RIVERS,
WILDLIFE FEDERATION,
July 16, 2012.

DEAR REPRESENTATIVE: On behalf of our members and supporters across the nation, we write to express our concerns regarding S. 2039, a bill that would exempt the state of North Dakota from Stafford Act requirements designed to protect property, the environment and taxpayer interests. As currently written, the Stafford Act requires that once federal funds are used to relocate communities and buildings out of floodplains, the land will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices. S. 2039, which will be considered tomorrow on the suspension calendar, has passed the Senate and now will receive a House vote without receiving any hearings or in depth consideration in either chamber of Congress. This bill would negatively impact wetland protection, wildlife habitat and water quality and for these reasons, among others, we urge you to oppose this legislation.

S. 2039 was proposed to address a circumstance in North Dakota in which temporary levees are built on land bought out under Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) during a flood which must then be removed following the flood. The legislation would establish a pilot program within the state of North Dakota to allow for the construction of permanent levees on land purchased with federal dollars and deed restricted as open space. We have concerns first, that this legislation would set unwise federal policy and that it may be unnecessary given existing federal policies, and second that the federal government would be unintentionally causing harm to the North Dakota communities seeking to manage their flood risk.

S. 2039 violates the purpose and spirit of the Hazard Mitigation Giant Program—Property acquisition for open space under FEMA's mitigation programs is a commonsense flood risk management approach. By relocating homes and businesses that are in flood-prone areas, we eliminate the risk of flooding to those structures, and eliminate the need for the federal taxpayers to pay for recovery every time the structures flood. The space remains as deed-restricted open space to ensure that the taxpayer investment in that area is preserved, and allows for the storage and conveyance of flood waters without harming life and property.

The Federal taxpayer has already paid once to purchase the land in question and the open space requirement ensures that the taxpayers will not have to pay disaster costs associated with this land again. Though the Senate bill was amended to require State, local, or tribal funding of levee construction, the bill would create a backdoor for these nonfederal entities to use federal taxpayer dollars. By enrolling the completed levees in the U.S. Army Corps of Engineers' (USACE) Rehabilitation and Inspection Program, local partners are eligible for the 80% federal share of future rehabilitation and repair costs.

We are also concerned that in the long run S. 2039 will unintentionally result in harm to unsuspecting North Dakota communities by encouraging more development behind the constructed levees. The 2011 flooding brought images of walls of water flooding homes after levees breached or overtopped reminding us that it is impossible to out build Mother Nature. No matter how strong or tall we build levees, they still fail, often with catastrophic consequences. Many people living behind these structures don't even know that their homes are in danger. It does not appear that development would be restricted in the inundation zone behind the constructed levees allowed in this pilot program.

Furthermore, while S. 2039 requires the community to participate in the National Flood Insurance Program (NFIP), this program does little or nothing to assist communities that live behind levees. Homeowners who live behind levees are not currently required to purchase flood insurance, and they often assume the levee will protect them. But when the levee is overtopped or fails, the homeowner must rely on federal disaster assistance to recover.

Finally, FEMA's HMGP buy-outs occur most often in deep floodplains, right next to the rivers because these are areas that receive the heaviest damage to structures. These portions of the floodplains are incredibly valuable for the multiple environmental benefits they provide in addition to their ability to convey and store floodwaters naturally. It is estimated that floodplains provide approximately 25% of all terrestrial ecosystem service benefits despite that they only cover 2% of the land surface.1 These services include clean water, recreation, and wildlife habitat, among many others. In addition, communities that allow room for rivers and protect their floodplains are more resilient to the next flood and often recover more quickly from a flood event.

S. 2039 would only benefit communities in North Dakota. However for the reasons above, it should in no way be expanded to other states or nationwide. We understand that a Memorandum of Understanding currently exists between the USACE and FEMA that allows these agencies to provide limited exemptions on buyout land for certain circumstances. For this reason we question whether this legislation is necessary to address the challenges that North Dakota communities are facing.

We understand the challenges North Dakota and other states and communities face as they attempt to recover from floods. However, we urge you to oppose this legislation.

Sincerely,

JIM BRADLEY,
Senior Director of Government Relations, American Rivers.

JOSHUA SAKS,
Legislative Director, National Wildlife Federation.

THE NATURE CONSERVANCY,
Arlington, VA, July 16, 2012.

Speaker JOHN A. BOEHNER,
U.S. Capitol,
Washington, DC.

Minority Leader NANCY PELOSI,
U.S. Capitol,
Washington, DC.

DEAR SPEAKER BOEHNER AND MINORITY LEADER PELOSI: It has come to our attention that S. 2039, ''A Bill to allow a State or local government to construct levees on certain properties otherwise designated as open space lands'' is due to be brought up on the House floor tomorrow to be considered Under Suspension of the Rules.

We ask that you oppose this bill as it would set a bad federal policy precedent on a number of fronts. The bill would allow expenditure of federal funds to build a levee on lands where federal funds have been previously expended under the Hazard Mitigation Grant Program (HMGP). Funds under the HMGP have been used to buyout and remove properties that were subjected to high flood risk. The land is then returned to its natural state and acts more effectively to mitigate future floods. The land is permanently deed restricted to ensure that no future development can be built and subjected to flood risk and diminish the floodplain function of absorbing and dispersing flood waters.

If a levee was allowed to be built, federal taxpayers would be unnecessarily paying twice to reduce flood risk. In addition, a levee does not guarantee protection from future flood risk, especially if the flooding event is greater than a 100 year flood (which are occurring at greater frequency due to an increase in extreme precipitation events). In addition, any development occurring in the area would remain at risk to future flooding events.

While we understand that this legislation addresses a specific location, we are concerned about the precedent that this bill would establish for all other areas in the nation where buyouts have occurred under the HMGP program. Such buyouts typically have taken place in areas of repetitive loss under the National Flood Insurance program and thus represent high flood hazard areas. Voluntary buyout and removal of properties is the best way to ensure the future safety of residents and minimize federal expenditures from future flood damage. Allowing levees or other barriers such as sea walls to be built would be extremely costly, undermine the integrity of the natural flood protection provided by existing open space, and provide a false sense of security to the property owners behind such structures.

Thank you for your attention to this matter and again we ask that you oppose this bill.

Sincerely,

ROBERT BENDICK,
Director, U.S. Government Relations.

Mr. BERG. I am prepared to close.

Mr. Speaker, again, Members of the assembly here: there are 1,400 people in Minot that aren't living in their homes—there are 1,400 families, not people. Every year creates an uneasiness on the people that live in this flat valley, in the Red River Valley. This is an important bill. It's critical for long-term planning and clearly will save not only the Federal Government money, but it will save the local government money. It also will save all the volunteer time that goes into building a levee, taking a levee down.

I do believe if you saw the area where this will go, you would agree that a permanent levee system that ties into the landscaping would really be a positive impact on the wildlife and the habitat in those areas.

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

Mr. LUETKEMEYER. Mr. Speaker, I rise today to express some concerns regarding S. 2039, introduced by Sen. HOEVEN, and sent to this body after unanimous consent in the Senate. I am concerned that this language, though well intentioned, is vague and could potentially result in negative consequences downstream, should this language be signed into law.

I remain concerned that the language could be applied to rivers beyond the Souris and the Red, without explicit Congressional intent. There is potential, although small, for levee construction to take place up and down the stretch of Missouri River that runs through North Dakota, resulting in negative consequences throughout the Missouri River basin.

I am comforted by the fact that there seems to be a rigorous FEMA review and approval process for construction of these levees, and I trust that the author's intentions are to allow for construction of new levees along only the Souris River and the Red River at specified locations. I appreciate the steps taken by the gentleman from North Dakota, Mr. BERG, to address these concerns and to make very clear for future reference that Congressional intent is to show that this legislation is intended to apply only to locations along the Souris and Red Rivers.

Mr. Speaker, our nation has gone too long without improving our levee systems. I do applaud the efforts to allow municipalities to take into their own hands efforts to rehabilitate systems. At the same time, it is important that they meet all necessary guidelines and do not injure other states and communities along a river bank.

I look forward to continuing this important conversation with the gentlemen from North Dakota.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, S. 2039.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1800

NICKY ''NICK'' DANIEL BACON POST OFFICE

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3870) to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the ''Nicky 'Nick' Daniel Bacon Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NICKY "NICK" DANIEL BACON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, shall be known and designated as the ''Nicky 'Nick' Daniel Bacon Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Nicky 'Nick' Daniel Bacon Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. BUERKLE. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Ms. BUERKLE. I ask unanimous consent that all Members may have 5 legislative days within which 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 gentlewoman from New York?

There was no objection.

Ms. BUERKLE. Mr. Speaker, H.R. 3870, introduced by the gentleman from Arkansas (Mr. GRIFFIN), would designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky ''Nick'' Daniel Bacon Post Office. The bill is cosponsored by the entire Arkansas State delegation and was favorably reported by the Committee on Oversight and Government Reform on February 7.

Mr. Speaker, First Sergeant Nick Bacon was known for his heroism while he served in the Army during the Vietnam War. During his second tour in Vietnam in 1968, Bacon assumed command of his company when his platoon leader was wounded in open ground. He led his platoon to successfully defeat the enemy gun crew.

When another platoon moved to Sergeant Bacon's location, its leader was also wounded. Without hesitation, Sergeant Bacon took charge of the additional platoon and continued the fight.

He is a recipient of the United States military's highest decoration, the Medal of Honor, as well as numerous other distinctions.

Mr. Speaker, I am truly grateful for the brave and heroic service of first Sergeant Nick Bacon and for all of those who serve and defend our Nation every day.

I urge my colleagues to join me in strong support of this bill.

I reserve the balance of my time.

Mr. CONNOLLY of Virgina. Mr. Speaker, as a member the House Committee on Oversight and Government Reform, I'm very pleased to join my

colleagues in consideration of H.R. 3870, to designate the facility of the U.S. Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky ''Nick'' Daniel Bacon Post Office.

Mr. Bacon served his tour of duty as my colleague from New York just indicated. During his first tour of duty in Vietnam, a helicopter he was riding in collided with another. All but First Sergeant Bacon and one other soldier perished. But despite that fact, Sergeant Bacon did not shrink from the call of duty and would go on to volunteer for a second tour.

His bravery and his courage are certainly something that was recognized by this country when he was awarded the Medal of Honor by then-President Richard in Nixon in 1969.

He is deserving of this recognition, and I urge passage of H.R. 3870.

I reserve the balance of my time.

Ms. BUERKLE. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Arkansas (Mr. GRIFFIN), the sponsor of this legislation.

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today in support of my bill, H.R. 3870, to designate the U.S. Post Office located at 6083 Highway 36 West in Rose Bud, Arkansas, as the Nicky ''Nick'' Daniel Bacon Post Office.

Nick Bacon is one of Arkansas' finest sons, and he dedicated his life to serving our country. Mr. Bacon was born in Caraway, Arkansas, on November 25, 1945. In 1963, at the age of 17, he forged his mother's signature so he could enlist in the Army. He went on to serve two tours in Vietnam.

On August 26, 1968, while serving as a squad leader with the First Platoon, Company B, in an operation west of Tam Ky, Mr. Bacon and his unit came under fire. He destroyed an enemy position with hand grenades, but his platoon leader was wounded in open ground. Without hesitating, he assumed command and led the platoon in destroying still more enemy emplacements.

When the third platoon leader was wounded, Mr. Bacon took command of that platoon as well, leading both platoons against the remaining enemy positions. During evacuation of the wounded, he climbed up on the deck of a nearby tank, and from that vantage point, he directed fire into enemy positions, all while exposed to enemy fire himself.

He personally is credited with destroying an anti-tank weapon and moving the platoons forward so they could eliminate the enemy positions and rescue soldiers trapped at the front. For his actions on that day, Mr. Bacon received the Medal of Honor, which was presented to him by President Richard Nixon during a ceremony at the White House in 1969.

Mr. Bacon also earned multiple awards for his accomplishments, including the Distinguished Service Cross, the Legion of Merit, two Bronze Stars, and a Purple Heart.

After retiring from active duty, he continued his service to America. He served as the director of the Arkansas Department of Veterans Affairs from 1993 until his retirement in 2005. During that time, Mr. Bacon was essential to the development of the Arkansas State Veterans Cemetery, and the Arkansas State Veterans Cemetery Beautification Foundation. He also helped establish the Arkansas Veterans' Coalition.

Additionally, in 2004, Mr. Bacon was appointed by then-Speaker of the House, Denny Hastert, to the Veterans' Disability Benefits Commission, an independent, 13-member panel responsible for studying the military system of compensating veterans for their injuries. The commission was charged with ensuring that the compensation system was equitable and fair.

Mr. Bacon passed away on July 17, 2010, after a long battle with cancer. He was the last living Medal of Honor recipient from the State of Arkansas, and he is survived by his wife, Tamera, and children and grandchildren.

Mr. Bacon spent his final years as a resident of Rose Bud, Arkansas, and we can honor his heroism, bravery, and service by installing a permanent marker of his contribution to Arkansas and America. His example is one all Americans and Arkansans can admire, and I urge my colleagues to join me in supporting this bill to honor his legacy.

Mr. CONNOLLY of Virgina. Mr. Speaker, I certainly echo the sentiments of our colleague from Arkansas and urge passage of H.R. 3870.

With no further speakers on this side, I yield back the balance of my time.

Ms. BUERKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 3870, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 3870.

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.

CORPORAL KYLE SCHNEIDER POST OFFICE BUILDING

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5837) to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the ''Corporal Kyle Schneider Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5837

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORPORAL KYLE SCHNEIDER POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, shall be known and designated as the ''Corporal Kyle Schneider Post Office Building''.

(b) REFERENCES.—Any reference in a law, map regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Corporal Kyle Schneider Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. BUERKLE. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Ms. BUERKLE. I ask unanimous consent that all Members may have 5 legislative days within which 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 gentlewoman from New York?

There was no objection.

Ms. BUERKLE. Mr. Speaker, my bill, H.R. 5837, would designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the Corporal Kyle Schneider Post Office Building. This bill is cosponsored by the entire New York delegation and was favorably reported by the Committee on Oversight and Government Reform on June 27.

Kyle R. Schneider was born on January 8, 1988, to Richard and Lorie Schneider. He was raised in the Baldwinsville, New York, area with his brother, Kevin. Kyle was a graduate of Baker High School in Baldwinsville, and attended Onondaga Community College for 1 year in the criminal justice program.

□ 1810

While at Baker High School, he played football, baseball, and ran track. Kyle loved the outdoors and was an avid hunter and fisherman.

In March of 2008, Kyle joined the United States Marine Corps and graduated from boot camp in June of 2008. He attended the School of Infantry in July and graduated in September. From September to October, he attended the Marine Corps Security Forces Training. In October of 2008 he was with the Guard Company Marine Barracks in Washington, D.C. In May 2010, he was transferred to Echo Company, 2nd Battalion, 8th Marine Regiment, II Marine Expeditionary Force. In January of 2011, Kyle was assigned to the 3rd Platoon and was deployed to Afghanistan in support of Operation Enduring Freedom.

In defense of our Nation, Kyle was killed in Helmand Province, Afghanistan, on June 30, 2011, by an improvised

explosive device. Corporal Kyle R. Schneider was 23 years old.

Corporal Schneider is an American hero. He was a proud and valiant marine. He was also a son, a brother, a grandson, a fiance, a friend, and a comrade. Kyle is greatly missed, and no words will diminish the grief of those who knew and loved him. In his death, he has earned the thanks of a grateful Nation.

Mr. Speaker, let us honor the service and sacrifice of Corporal Kyle R. Schneider through the passage of this legislation to designate the Baldwinsville Post Office in his honor. I urge my colleagues to join me in strong support of this bill.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. I yield myself such time as I may consume.

I am pleased to join my colleague from New York (Ms. BUERKLE) in supporting H.R. 5837, a bill to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the Corporal Kyle Schneider Post Office Building.

The dedication to his country, his sacrifice, his bravery are certainly worthy of this honor, and I urge all of my colleagues to support this bill.

I yield back the balance of my time.

Ms. BUERKLE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 5837.

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.

NATIONAL CLANDESTINE SERVICE OF THE CENTRAL INTELLIGENCE AGENCY NCS OFFICER GREGG DAVID WENZEL MEMORIAL POST OFFICE

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3593) to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the ''National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL CLANDESTINE SERVICE OF THE CENTRAL INTELLIGENCE AGENCY NCS OFFICER GREGG DAVID WENZEL MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, shall be known and designated as the ''National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. BUERKLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUERKLE. Mr. Speaker, I yield such time as she may consume to the sponsor of this legislation, my distinguished colleague from the State of New York, Representative HAYWORTH.

Ms. HAYWORTH. I thank the distinguished gentlewoman from New York.

Our bill, H.R. 3593, to designate the post office on State Route 17M in Monroe, New York, as the National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office, honors the life and service of Gregg David Wenzel, who was from Monroe. He is the son of Gladys and Mitchell Wenzel, who still live in Monroe.

Gregg graduated from Monroe-Woodbury High School and from the State University of New York at Binghamton. He received his juris doctor degree from the University of Miami School of Law, and he served as a public defender in Florida before he began his career with the Central Intelligence Agency. He did so because, in his own words, he wished ''to live for a greater purpose than himself.''

He was a member of the first post-September 11 training class, and he was distinguished for his enthusiasm and leadership. He was assigned to Addis Ababa, Ethiopia, in 2002, as a clandestine officer, losing his life in patriotic service in Addis Ababa on July 9, 2003.

Gregg's CIA affiliation was not revealed publicly for 6 years. In June 2009, it was finally revealed when he was honored with a star on the Memorial Wall in the CIA headquarters. Then-CIA Director Leon Panetta noted, ''We find some measure of solace in knowing that Gregg achieved what he set out to do: he lived for a greater purpose than himself.''

When a man has given his life, as Gregg David Wenzel did, to protect our American liberties, honoring him through the tradition of naming a post office for his extraordinary service to our country is both fitting and inspiring.

Our deepest gratitude goes to Gregg's family for their sacrifice, whom I've had the pleasure of speaking with. While no memorial, however appropriate, can remove the pain of parents and loved ones when they lose a child, I hope that Gregg's parents and family will find comfort in his receiving this eminently deserved posthumous recognition.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join in support of my colleague from New York in her urging us to pass H.R. 3593, to designate the facility of the U.S. Postal Service located at 787 State Route 17M in Monroe, New York, as the National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office.

As our colleague from New York indicated, this is a posthumous recognition of the ultimate sacrifice for his country that finally can be recognized, even though he served his country in a clandestine role. I urge all of my colleagues to support this legislation.

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

Ms. BUERKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 3593.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 3593.

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.

ARMY FIRST SERGEANT DAVID MCNERNEY POST OFFICE BUILDING

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3477) to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMY FIRST SERGEANT DAVID MCNERNEY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, shall be known and designated as the ''Army First Sergeant David McNerney Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Army First Sergeant David McNerney Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from

New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. BUERKLE. I ask unanimous consent that all Members may have 5 legislative days within which 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 gentlewoman from New York?

There was no objection.

Ms. BUERKLE. I yield such time as he may consume to the sponsor of this legislation, my distinguished colleague from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentlelady from New York for yielding time.

Mr. Speaker, it was the Vietnam war. It was March 1967—45 years ago.

Army First Sergeant David McNerney's company was sent to recover a missing American Army reconnaissance team. As his company approached that reconnaissance team, they walked into heavy fire from the Vietnamese Army. McNerney was soon wounded by a grenade, and the commander was killed, but Sergeant McNerney took control of the situation.

Injury could not deter this patriot.

He climbed a tree, exposing his position to heavy enemy fire, and called in close artillery fire. After that occurred, he personally destroyed an enemy machine gun. And always thinking of others, he personally pulled wounded soldiers to safety and secured a landing zone for medical helicopters that were approaching.

□ 1820

He had the chance to evacuate that evening, but he refused and remained with his troops overnight on the battlefield until a new commander arrived the next day. His actions stopped the enemy advance and saved many of his own men's lives. These actions of heroism earned David McNerney the Congressional Medal of Honor presented to him by Lyndon Baines Johnson in 1968.

Mr. Speaker, this is a fairly recent photograph of First Sergeant David McNerney. He kind of looks like Clint Eastwood to me and he's just as tough, because I knew him for a good number of years until he died in 2010.

This was not where Sergeant McNerney's service to America would end on that battlefield in Vietnam. He started really serving the United States when he joined the United States Navy right out of St. Thomas High School in Houston, Texas. He did two tours of duty in the Korean War.

After leaving the Navy in 1953, he joined the United States Army, and was one of the first 500 so-called ''advisers'' sent to Vietnam by President Kennedy in 1962. The acts that earned McNerney the Medal of Honor came on his third tour of duty in Vietnam. After he received the Congressional Medal of Honor, First Sergeant David McNerney from Crosby, Texas, volunteered for another tour of duty in Vietnam.

Mr. Speaker, those were amazing men that served America in the Vietnam War. First Sergeant McNerney served with thousands of other Vietnam troops and generally were not appreciated by America when they returned back home after doing what their country asked them to do.

After he retired from the Army in 1969, he worked in the Customs Service at the Port of Houston until 1995. He served his country for 46 years in the United States Navy, United States Army, and the Customs Service.

After all of his work and service, he worked in the community in Crosby. He led by example, with his involvement in the Crosby High School Junior Reserve Officer Training Corps and the Crosby American Legion Post 658.

First Sergeant McNerney died in Texas on October 10, 2010, at the age of 79, still a patriot. He called his hometown Crosby, and they called him their hero. Crosby American Legion Post 658 is named for him.

Mr. Speaker, Crosby, Texas, like many of the towns mentioned in the last few resolutions and bills, is a small town in America. It's an old-fashioned, flag-waving patriotic town that honors our returning veterans from Iraq and from Afghanistan.

First Sergeant McNerney's bravery and commitment to our country and community is well worth the acknowledgement by naming a post office after him, at 133 Hare Road in Crosby, Texas, the Army First Sergeant David McNerney Post Office.

Mr. Speaker, men like Army First Sergeant David McNerney are the reason our country has always had the best military in history.

And that's just the way it is.

Mr. CONNOLLY of Virginia. Mr. Speaker, I'm pleased to again join my friend and colleague from Texas in honoring this brave man. Serving as many tours of duty in Vietnam was a rare event in that era than the tours of duty in Iraq and Afghanistan. That was particularly noteworthy.

I'm pleased to urge my colleagues to join with Judge POE and our other colleagues in support of H.R. 3477 in order to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building, and I urge its adoption.

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

Ms. BUERKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 3477, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 3477.

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. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

JUDGE SHIRLEY A. TOLENTINO POST OFFICE BUILDING

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2896) to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the ''Judge Shirley A. Tolentino Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JUDGE SHIRLEY A. TOLENTINO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, shall be known and designated as the ''Judge Shirley A. Tolentino Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Judge Shirley A. Tolentino Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. BUERKLE. Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. BUERKLE. H.R. 2896, introduced by the gentleman from New Jersey, Mr. Payne, would designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the Judge Shirley A. Tolentino Post Office Building. The bill is cosponsored by the entire New Jersey State delegation and was favorably reported by the Committee on Oversight and Government Reform on June 27. Although Representative Payne passed away earlier this year, it is our privilege to consider H.R. 2896 today.

Mr. Speaker, I urge my colleagues to join me in strong support of this bill, and I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of H.R. 2896, which would name the postal facility located at 269 Martin Luther King Jr. Drive in Jersey City, New Jersey, after the late Judge Shirley A. Tolentino. This was a bill favored by our late colleague, Donald Payne of New Jersey, and it's an honor and privilege to carry that bill on the floor today.

Shirley Tolentino was born in Jersey City, served in the judicial system, and lived a life of great accomplishments. She graduated with a degree in Latin with honors from the College of St. Elizabeth. Judge Tolentino taught Latin and English before starting law school. As a student at Seton Hall University School of Law, Judge Tolentino was the only African American female in the graduating class of 1971.

She became a deputy attorney general in the State of New Jersey, where she remained until being appointed to the Jersey City Municipal Court in 1976, becoming the first female appointed to that position. Judge Tolentino received her master of laws degree in criminal justice from NYU Graduate School of Law in 1980 while continuing to serve in the municipal court. She later was elevated to the position of presiding judge of the municipal court of New Jersey, again as the first female to hold that position.

With all those great accomplishments, she viewed her appointment and time served on the Coleman Commission, which would later be called the New Jersey Supreme Court Task Force on Minority Concerns, as her greatest accomplishment. During her time on the commission, she became chair of the subcommittee on juvenile justice.

As a member of the Jersey City Hudson County Urban League, the Hudson County Girl Scouts Board, Delta Sigma Theta Sorority, Inc., and a host of other local organizations, she served in prominent roles and loved being part of her community and, obviously, served as a role model for future generations, especially among young women.

Mr. Speaker, I urge passage of H.R. 2896 to honor the life of Judge Tolentino and to remember our distinguished late colleague, Donald Payne of New Jersey.

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

Ms. BUERKLE. Mr. Speaker, I urge all Members to support the passage of H.R. 2896, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 2896.

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.

□ 1830

WARREN LINDLEY POST OFFICE

Ms. BUERKLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1369) to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WARREN LINDLEY POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the ''Warren Lindley Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Warren Lindley Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. BUERKLE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. BUERKLE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which 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 gentlewoman from New York?

There was no objection.

Ms. BUERKLE. Mr. Speaker, I urge all of my colleagues to join me in strong support of this bill, and I yield back the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I certainly am pleased to join my colleagues, and especially my colleague from Oklahoma (Mr. BOREN), in support of this bill. And I urge our colleagues to support H.R. 1369, a bill to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the Warren Lindley Post Office.

I am now pleased to yield to my colleague from Oklahoma (Mr. BOREN) for such time as he may consume.

Mr. BOREN. Mr. Speaker, I rise today in support of H.R. 1369, a bill to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the Warren Lindley Post Office, a bill that has the support of the entire Oklahoma delegation.

All of us who knew Warren knew him for his caring heart. Warren Lindley proved time and again that he would go to great lengths to assist his community. The naming of a post office facility after this great man would not only honor his accomplishments, but also those of the community that he cared so much about and worked so hard to improve.

After purchasing a grocery store in Hartshorne, Oklahoma, in 1979, Warren realized that as a small business owner, he could greatly contribute to the economic success of his town. In the years following his initial purchase, Warren helped to open a convenience store, a car wash, a laundromat, a medical clinic, and a water company in order to provide more job opportunities for people in his growing community.

However, his charity did not end there. During a historic ice storm, Warren worked to secure food, water, and other necessary items for his townspeople, even personally delivering the goods to those that were most in need. In addition to hiring many local students for their first job, Warren provided numerous employees with the guidance and encouragement needed to earn scholarships for college and grow confident in their future.

Warren Lindley was a self-made businessman, a respected community leader, a beloved friend, and an admirable citizen. A post office named in his honor will serve as a reminder to the Hartshorne community to live each day in the service and support of one another.

I know tonight that his widow, Clidia, and his family is watching, and they are very proud that his legacy will go on. We will miss Warren Lindley.

I urge passage of this legislation.

Mr. CONNOLLY of Virginia. Mr. Speaker, I join my colleagues in urging passage of H.R. 1369, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill, H.R. 1369.

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2362, by the yeas and nays;

S. 2039, by the yeas and nays;

H.R. 3477, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

INDIAN TRIBAL TRADE AND INVESTMENT DEMONSTRATION PROJECT ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill (H.R. 2362) to facilitate economic development by Indian tribes and encourage investment by Turkish enterprises, as amended, on which the yeas and nays were ordered.

The Clerk read the title 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, as amended.

The vote was taken by electronic device, and there were—yeas 222, nays 160, not voting 49, as follows:

[Roll No. 499]

YEAS—222

Aderholt
Alexander
Amodei
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (GA)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Canseco
Cantor
Carnahan
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coble
Cohen
Cole
Conaway
Connolly (VA)
Cravaack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Dent
DesJarlais
Doggett
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellmers
Emerson
Farenthold
Fattah
Fincher
Fitzpatrick
Fleming
Flores
Foxx
Franks (AZ)
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Goodlatte
Gowdy
Granger
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Lamborn
Lance
Landry
Lankford
Larson (CT)
Latham
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matheson
McCaul
McClintock
McCollum
McHenry
McKeon
McKinley
McMorris Rodgers
McNerney
Meeks
Mica
Miller (MI)
Moran
Mulvaney
Myrick
Neugebauer
Noem
Nunnelee
Olson
Owens
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross (AR)
Runyan
Ruppersberger
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tipton
Towns
Turner (NY)
Turner (OH)
Walberg
Walden
Webster
Whitfield
Wilson (SC)
Wittman
Womack
Yoder
Young (AK)
Young (IN)

NAYS—160

Adams
Altmire
Amash
Andrews
Baca
Baldwin
Barber
Barrow
Berkley
Bilirakis
Bishop (NY)
Boswell
Braley (IA)
Brown (FL)
Buerkle
Butterfield
Campbell
Capps
Capuano
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coffman (CO)
Cooper
Costa
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Deutch
Diaz-Balart
Dingell
Dold
Duncan (TN)
Engel
Eshoo
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gonzalez
Graves (GA)
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Higgins
Himes
Hinchey
Holt
Hoyer
Huelskamp
Israel
Jackson Lee (TX)
Jordan
Kaptur
Keating
Kildee
Kind
King (NY)
Kucinich
Langevin
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (CA)
McCarthy (NY)
McDermott
McGovern
Meehan
Michaud
Miller (FL)
Miller (NC)
Moore
Murphy (PA)
Nadler
Napolitano
Neal
Nugent
Nunes
Palazzo
Pallone
Pelosi
Pingree (ME)
Price (NC)
Quigley
Rangel
Richmond
Rivera
Rooney
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Southerland
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
West
Westmoreland
Wilson (FL)
Wolf
Woodall
Woolsey
Yarmuth
Young (FL)

NOT VOTING—49

Ackerman
Akin
Austria
Becerra
Berman
Bishop (UT)
Burton (IN)
Capito
Cardoza
Conyers
Critz
Dicks
Donnelly (IN)
Ellison
Farr
Filner
Flake
Fleischmann
Gingrey (GA)
Gohmert
Gosar
Graves (MO)
Gutierrez
Hinojosa
Hirono
Honda
Jackson (IL)
Johnson (IL)
Kissell
Labrador
Larsen (WA)
Lee (CA)
Mack
McIntyre
Miller, Gary
Miller, George
Murphy (CT)
Olver
Perlmutter
Peters
Reyes
Rogers (KY)
Rohrabacher
Rokita
Schrader
Smith (WA)
Speier
Stivers
Waters

□ 1856

Messrs. ROSS of Florida, HUELSKAMP, DAVIS of Illinois, TIBERI, WESTMORELAND, WEST, MEEHAN, SMITH of New Jersey and Ms. BUERKLE changed their vote from ''yea'' to ''nay.''

Messrs. ROSKAM, FATTAH, RUPPERSBERGER, JOHNSON of Georgia, LATHAM, MEEKS, Mrs. HARTZLER and Ms. RICHARDSON changed their vote from ''nay'' to ''yea.''

Mr. UPTON changed his vote from ''present'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 499, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

AUTHORIZING STATE OR LOCAL GOVERNMENT TO CONSTRUCT LEVEES ON CERTAIN PROPERTIES

The SPEAKER pro tempore (Mr. WOMACK). The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 2039) to allow a State or local government to construct levees on certain properties otherwise designated as open space lands on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 126, nays 254, not voting 51, as follows:

[Roll No. 500]

YEAS—126

Altmire
Amodei
Bachmann
Bachus
Barletta
Barton (TX)
Benishek
Berg
Bilirakis
Black
Blackburn
Bono Mack
Boren
Brady (PA)
Brady (TX)
Braley (IA)
Buchanan
Camp
Cantor
Coble
Coffman (CO)
Cole
Cravaack
Crawford
Crenshaw
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fattah
Flores
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Garrett
Gibson
Goodlatte
Gowdy
Graves (GA)
Griffith (VA)
Grimm
Guthrie
Harper
Harris
Hastings (WA)
Heck
Herger
Herrera Beutler
Holden
Huelskamp
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Kelly
King (IA)
King (NY)
Kingston
Kline
Landry
Lankford
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Marino
McCarthy (CA)
McHenry
McKinley
McMorris Rodgers
Mulvaney
Murphy (PA)
Noem
Olson
Paulsen
Pearce
Peterson
Pitts
Platts
Pompeo
Posey
Reed
Rehberg
Ribble
Rigell
Rivera
Roe (TN)
Rogers (AL)
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Ryan (WI)
Scalise
Scott (SC)
Scott, Austin
Shimkus
Smith (NE)
Smith (TX)
Southerland
Terry
Thompson (PA)
Tipton
Turner (NY)
Turner (OH)
Walberg
Walden
Welch
Westmoreland
Whitfield
Wilson (SC)
Womack
Yoder
Young (AK)

NAYS—254

Adams
Aderholt
Alexander
Amash
Andrews
Baca
Baldwin
Barber
Barrow
Bartlett
Bass (CA)
Bass (NH)
Berkley
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boswell
Boustany
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Campbell
Canseco
Capps
Capuano
Carnahan
Carney

Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Deutch
Dingell
Doggett
Dold
Doyle
Duncan (TN)
Edwards
Engel
Eshoo
Fincher
Fitzpatrick
Fleming
Forbes
Frank (MA)
Franks (AZ)
Fudge
Garamendi
Gerlach
Gibbs
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Guinta
Hahn
Hall
Hanabusa
Hanna
Hastings (FL)
Hayworth
Heinrich
Hensarling
Higgins
Himes
Hinchey
Hochul
Holt
Hoyer
Huizenga (MI)
Hultgren
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Jordan
Kaptur
Keating
Kildee
Kind
Kinzinger (IL)
Kucinich
Labrador
Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McKeon
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Moore
Moran
Myrick
Nadler
Napolitano
Neal
Neugebauer
Nugent
Nunes
Nunnelee
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Pence
Petri
Pingree (ME)
Poe (TX)
Polis
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reichert
Renacci
Richardson
Richmond
Roby
Rogers (MI)
Rokita
Rooney
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schmidt
Schwartz
Schweikert
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Stark
Stearns
Stutzman
Sutton
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
West
Wilson (FL)
Wittman
Wolf
Woodall
Woolsey
Yarmuth
Young (FL)
Young (IN)

NOT VOTING—51

Ackerman
Akin
Austria
Becerra
Berman
Bishop (UT)
Burton (IN)
Capito
Cardoza
Conyers
Critz
Dicks
Donnelly (IN)
Ellison
Farr
Filner
Flake
Fleischmann
Gingrey (GA)
Gohmert
Gosar
Graves (MO)
Gutierrez
Hartzler
Hinojosa
Hirono
Honda
Jackson (IL)
Johnson (IL)
Kissell
Larsen (WA)
Lee (CA)
Mack
McIntyre
Miller, Gary
Miller, George
Murphy (CT)
Olver
Pelosi
Perlmutter
Peters
Reyes
Rogers (KY)
Rohrabacher
Schock
Schrader
Smith (WA)
Speier
Stivers
Sullivan
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1903

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

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. HARTZLER. Mr. Speaker, on rollcall No. 500, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 500, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

ARMY FIRST SERGEANT DAVID MCNERNEY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3477) to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. BUERKLE) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 0, not voting 52, as follows:

[Roll No. 501]

YEAS—379

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Buerkle
Burgess
Calvert
Camp
Campbell
Canseco
Cantor
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fattah
Fincher
Fitzpatrick
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gowdy
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Pearce
Pence
Peters
Peterson
Petri
Pingree (ME)
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stark
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—52

Ackerman
Akin
Austria
Becerra
Berman
Bishop (UT)
Bucshon
Burton (IN)
Butterfield
Capito
Cardoza
Conyers
Critz
Dicks
Donnelly (IN)
Ellison
Farr
Filner
Flake
Fleischmann
Gingrey (GA)
Gohmert
Gosar
Granger
Graves (MO)
Gutierrez
Hinojosa
Hirono
Honda
Jackson (IL)
Johnson (IL)
Kissell
Larsen (WA)
Lee (CA)
Mack
McIntyre

Miller, Gary	Perlmutter	Smith (WA)
Miller, George	Pitts	Speier
Murphy (CT)	Reyes	Stivers
Olver	Rogers (KY)	Waters
Paulsen	Rohrabacher	
Pelosi	Schrader	

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PAULSEN. Mr. Speaker, on rollcall No. 501, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall 501, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, had I been present, I would have voted no on H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011 (Rep. COLE—Natural Resources).

Had I been present, I would have voted no on S. 2039, a bill to allow a State or local government to construct levees on certain properties otherwise designated as open space lands (Sen. HOEVEN—Transportation and Infrastructure).

Had I been present I would have voted yes on H.R. 3477, to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building (Rep. POE—Oversight and Government Reform).

HONORING GEORGE DUNKLIN

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

Mr. CRAWFORD. Mr. Speaker, I rise today to honor George Dunklin on completing his term as an Arkansas Game and Fish commissioner. For the last 7 years, Mr. Dunklin has worked tirelessly to maintain a healthy wildlife population in Arkansas.

From the time he took office in 2005, after being appointed by Governor Mike Huckabee, Mr. Dunklin has been a devoted public servant. One of the accomplishments he's most proud of is improving and restoring water flow habitat in crucial areas. Arkansas is world renowned for duck hunting, and restoring the water flow habitats will make for a better environment for the many ducks that over winter in Arkansas.

Mr. Dunklin also worked on an agreement with the Army Corps of Engineers to provide minimum flow in the White River below Bull Shoals Dam and in the Norfork River below the Norfork dam.

Always the gentleman, Mr. Dunklin maintained a healthy balance of opposing passions on the commission. I appreciate all of Mr. Dunklin's efforts and wish him well on his future endeavors.

SENSIBLE GUN CONTROL LEGISLATION

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

Mr. ENGEL. Mr. Speaker, the tragic events that happened in Aurora, Colorado just shows us in this country that if we don't have sensible gun control legislation, then shame on us; then we're the fools.

Nobody is against Second Amendment rights, and nobody is not for giving legitimate people the ability to own guns. But what the shooter was able to obtain on the Internet or in a gun shop, without any kind of background check whatsoever, to me, is unconscionable and makes no sense whatsoever.

I think that this Congress has to come together and find out what language we can put in sensible gun control legislation to make sure that when someone buys weapons, they don't have 100 and 200 and 300 and 1,000 times the amount of ammunition that they would need, that a reasonable person would need, for any reasonable event.

My heart goes out to the victims in Aurora and to their families. This tragedy should never happen again.

SEQUESTRATION TARGETS DEPARTMENT OF DEFENSE CIVILIAN WORKERS

(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, this month, in Politico, Todd Harrison, a defense analyst at the Center for Strategic and Budgetary Assessments, warned of the impacts that sequestration will have on the Department of Defense civilian work force if action is not taken.

If sequestration is implemented, Harrison warns the Department of Defense civilian employees ''could see, 10, 15 or even a higher percentage being laid off or furloughed shortly after sequestration goes into effect.'' Over 200,000 jobs are at risk in the State of Virginia alone.

I support Armed Services Committee Chairman BUCK MCKEON's efforts to protect our national security, and also to protect up to one million jobs that will be destroyed as a result of sequestration. Job loss could be as high as 2.14 million.

With a record unemployment rate now of 8 percent for over the past 41 months, the President and Senate should adopt bills that have already been passed by the House.

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

RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

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

Mr. PAULSEN. Mr. Speaker, over the last 3 years, the number of regulations imposed on small businesses has grown considerably. This year alone, the Federal Register has ballooned to a staggering 41,662 pages, burying our Nation's small businesses in paperwork and red tape.

But it's not all about page numbers. There are very real implications to our economic recovery as a result of the increased burden on small businesses. Nearly half of all small businesses say they aren't hiring because of red tape. They are spending vital time and energy and money on navigating the tidal wave of regulations that is coming out of Washington. These are resources that could be used to invest in new equipment and expand and hire in their payrolls.

Mr. Speaker, this week the House will take action, action aimed to freeze onerous regulations, to streamline the permitting process for construction projects, and create transparency within regulatory agencies so that employers can have more time and more energy and more resources to growing and expanding their businesses and, ultimately, creating jobs.

Mr. Speaker, it's time to help small businesses get out from under the red tape coming from Washington.

EXPRESSING SYMPATHY FOR THE VICTIMS OF THE COLORADO TRAGEDY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, we all came together prayerfully last week as the tragedy in Aurora, Colorado, took place.

The State of Texas has a relationship with Colorado. We probably were of one territory some time ago. But I rise today to extend my sympathy to Congressman PERLMUTTER and the entire congressional delegation in Colorado, both House and Senate.

I also rise to offer sympathy to the victims and those fallen—families, innocent babies, children, that were injured.

And I reach out to say this: Tell the NRA to come and sit down with all of us so that this Congress can work in an effective manner, that we can begin to look at issues such as buying 6,000 rounds of ammunition on the Internet, not against the Second Amendment, but that the fact that the Internet sellers did not even have to give notice that one person was buying 6,000 rounds of ammunition. There's no Federal law on that issue. There's not even a Federal law to give notice on that issue.

We can find common ground. Something has to be done, whether it is a disturbed person or not, whether it's a terrorist act. And for me, this issue was a terrorist condition because of what happened.

But I want us to come together as one. We can do so, and we can come together to do what is good for the American people, respect the Second Amendment, but find ways to protect the American people, whoever they are, wherever they live, from these dangers.

May God bless the people who have now fallen, and those who suffer, and God bless the United States of America.

RECOGNIZING CENTRE COUNTY WOMEN'S RESOURCE CENTER

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize the dedication and hard work of the staff and volunteers of the Centre County Women's Resource Center, which has addressed the harms of domestic violence while promoting community safety in Centre County, Pennsylvania, since 1975.

The Women's Resource Center provides vital services to women, children, and men who have been victims of sexual assault and/or domestic violence. The continuum of services includes prevention, crisis intervention, education, and advocacy.

In 2010 and 2011 CCWRC served more than 1,000 victims with 24-hour confidential and free services for those victims of sexual assault, stalking, and domestic violence. The emergency shelter also provides counseling, legal and medical advocacy, and prevention programs.

Much of the Federal support the CCWRC receives has been through the Violence Against Women Act and the Victims of Crime Act, both of which I am proud to support.

Mr. Speaker, domestic violence is a national epidemic. The professional and caring staff of the Centre County Women's Resource Center is doing their part to raise awareness, assist victims, and make positive strides towards further prevention. Their efforts have not gone unnoticed or underappreciated, and set an example for how other communities can address domestic violence.

□ 1920

CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore (Mr. GIBSON). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. CHRISTENSEN. Thank you, Mr. Speaker.

Again, it is my pleasure to lead this Special Order this evening, and I thank again our Democratic leadership for giving us this time.

Before I yield to the minority whip, I want to also add my condolences to the families who lost loved ones in the shooting in Aurora, Colorado, and to those who are recovering from their injuries, both physical and emotional. I want to add the condolences of the people of the Virgin Islands to all of them. They are all in our prayers. It happened that I had taken my granddaughter, Nia, to a preview of the movie the night before, and I really shudder to think of what everyone in that theater went through that night. It could have been us, and it still could be any one of us anywhere unless we do something to ban assault weapons and to turn back some of what the Republican Congresses have passed.

One of the weapons used by Holmes was an AR–15 rifle, which is a semiautomatic weapon. If the assault weapon ban of the Violent Crime Control and Law Enforcement Act of 1994 had not been allowed to expire, it might be that 12 people, including a little girl, might still be alive. Our colleague, Gabby Giffords, would not be home, making what is, thankfully, a remarkable recovery, but the six people who died that day might be alive. A young man in St. Croix, who lost his life yesterday—and many others in the U.S. Virgin Islands and across this country—might still be alive if that ban were in place.

So, again, on behalf of me and my family and of the people of the Virgin Islands, I offer condolences to the families of those who were lost and to the families of those who are recovering. They are in our prayers.

At this time, I would like to yield such time as he may consume to our Democratic whip, a true leader for all Americans, leading us in many issues. Tonight, I believe, he is going to talk about voter protection, but he also has been working very hard to make sure that we Make It in America and that everyone is able to Make It in America.

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

Mr. HOYER. I thank the gentlelady for yielding.

Mr. Speaker, I want to thank my friends in the Congressional Black Caucus for organizing today's Special Order, but as my colleague Mr. ENGEL and as my colleague on the Republican side and as Dr. CHRISTENSEN have pointed out, our hearts and thoughts go out to and with those people who by happenstance of going to a movie have lost their lives, have been injured badly, have lost family members, have had the confidence of going out and about in this country put at risk. How we lament that loss of life, that loss of confidence, that loss of a sense of safety in their community.

We need to address that issue—to instill confidence, to restore safety, to ensure that America continues to be a land in which people feel safe.

Mr. Speaker, today, I want to talk about an issue that is central to America, and that is the right to vote. This is an issue that affects millions of Americans from every walk of life, but it will certainly have a disproportional effect on African Americans, Hispanic Americans, seniors, and youth.

In 2008, we saw a record turnout from minority communities and younger voters as more Americans were energized to take part in our democracy. That democracy is our greatest strength, and the principle of ''one person, one vote'' has always been a vehicle for Americans to hold their government accountable and ensure it is responsive to the challenges we face as a Nation. We ought to be building on that progress we made in 2008 by encouraging more Americans to register to vote and cast their ballots. Indeed, in my view, the Nation—States, counties, communities, municipalities—need to be reaching out to people to make sure they know how to vote and to facilitate their votes, not to put stumbling blocks in the way.

It continues to be deeply disturbing to witness a campaign of raising barriers to voting and voter registration by Republican-controlled legislatures in States across this country. My dear friend and colleague, a hero in American history, JOHN LEWIS, is a veteran of the fight for voting rights in the fifties and sixties. He carries the scars, both physical and in his memory, of the great effort to secure not just the right to vote but the freedom to exercise that right. That's why he is helping to lead this effort in 2012 to prevent voter suppression and to make certain our elections are open to all who are eligible to participate.

He can attest that today's effort is a continuation of the work he began as a young man. Since the beginning of last year, 22 laws and two executive actions in 17 States have restricted our citizens' right to vote. Civil rights heroes like JOHN LEWIS refused to accept barriers to voting in the middle of the 20th century, and all of us—each and every one of us—is here today because we refuse to accept these new restrictions in the 21st century.

That's why many of us introduced the Voter Empowerment Act in May. Our bill strengthens America's democracy by improving our voting system in three key areas: access, integrity, and accountability. It will reauthorize the Election Assistance Commission, create a national voter hotline for reporting problems, allow same-day and online registration, remove obstacles to voting for military personnel, and prohibit deceptive practices that discourage Americans from casting their votes.

Each one of us in this House is opposed to voter fraud. Each one of us is opposed to any voter voting who is not

eligible to vote. But very frankly, the good news in America is that is a very, very, very small problem. In fact, when proponents of restrictions are asked to cite examples, they are hard put to do so.

Democrats, Mr. Speaker, are making the issue of voter access a major priority this year, because we believe that all Americans deserve to participate in this year's election and to have their votes counted accurately. We will continue to monitor our voting system and call attention to those who seek to undermine it.

□ 1930

Again, I want to thank the Congressional Black Caucus for its work on this critical issue, as well as the ranking member of the Judiciary Committee, Mr. CONYERS, who has been such a hero on voting rights throughout his congressional career; the ranking member of the House Administration Committee, Mr. BRADY; and the assistant Democratic leader, Mr. CLYBURN.

I'm proud that the fight for voter access has attracted a broad coalition of civil rights organizations, as well as the Congressional Hispanic Caucus and the Congressional Asian Pacific American Caucus, and that senior citizen organizations and, yes, representatives of young people are very concerned about the fact that eligible voters are being discouraged and, in some cases, suppressed from exercising their precious American right to vote. Let us never forget that generations have held it to be a moral duty to preserve the most powerful guarantor of our liberty: the right of every American to vote. We continue to stand up for it today, and hopefully each day as we proceed.

Mr. Speaker, I mentioned a couple of times about what Democrats are doing. Let me refer now to an article that appeared in The Washington Post today, written by Charlie Crist, the former Republican Governor of Florida. He says:

As a result of insidious political maneuvers and a lack of respect for voters, we in Florida have been entangled in litigation. The courts and the Justice Department have been required to step in this summer to protect the integrity of the voting process against a sweeping voter purge that the Florida Department of State undertook under the guise of removing non-U.S. citizens from voter rolls.

He goes on to observe:

Among those caught up in this shameless purging and notified that he was not a U.S. citizen eligible to vote: a 91-year-old World War II veteran, Bill Internicola, who fought in the Battle of the Bulge, and has proudly exercised his right to vote for many years.

Governor Crist, the former Republican Governor of Florida, concludes:

The right to choose our leaders is at the heart of what it means to be an American. Our history books are full of examples to the contrary. When we send independent observers to monitor for voter fraud in banana republics, we derive authority from our self-regard as the ideal. When we hear of corrupt voting practices in foreign countries, where the ideal of democracy is nothing more than lip service, we feel good about ourselves.

He then went on to say, Mr. Speaker:

It's time to look right under our noses. It's happening here at home. And it's our responsibility to honestly assess the root of the problem, which requires doing so with as little partisan bias as we believe belongs in the administration of our elections.

He concluded with this statement:

We can't be surprised every time it turns out that politics are involved in politics, but neither can we be silent when our democracy is threatened in its name.

There are lines that should not be crossed; meddling with voting rights is one of them. It is un-American, and it is beneath us.

I thank my friends in the Congressional Black Caucus for their leadership on this issue to make sure that the most precious right that every American has as a birthright is the right to vote. Let us not allow any steps to be taken by the Federal Government, by the State government, by county governments, or, yes, by municipal and local governments from impeding the rights of citizens to speak out in the most powerful way they can: voting.

[From the Washington Post, July 20, 2012]

THE VOTER ID MESS SUBVERTS AN AMERICAN BIRTHRIGHT

(By Charlie Crist)

For better or worse, the central principle behind the unlimited contributions to super PACs that will dominate this election cycle is simple: Money is speech, and we cannot limit speech. Yet many who hold this freedom as an article of faith are all too willing to limit an equally precious form of speech: voting.

If we don't speak out against these abuses, we may soon learn the hard way the danger of that double standard. And a dozen years after the 2000 recount that went all the way to the U.S. Supreme Court, my state of Florida threatens to be ground zero one more time.

As Florida's attorney general from 2003 to 2007, I strongly enforced the laws against illegal voting. When swift action was necessary, I took it without hesitation. I did so out of respect for our democracy—voting is a precious right reserved only for U.S. citizens—but I'm concerned that zealots overreacting to contrived threats of voter fraud by significantly narrowing the voting pool are doing so with brazen disrespect and disregard for our greatest traditions.

As a result of insidious political maneuvers and a lack of respect for voters, we in Florida have been entangled in litigation. The courts and the Justice Department have been required to step in this summer to protect the integrity of the voting process against a sweeping voter purge that the Florida Department of State undertook under the guise of removing non-U.S. citizens from the voter rolls. Among those caught up in this shameless purging and notified that he was not a U.S. citizen eligible to vote: a 91-year-old World War II veteran, Bill Internicola, who fought in the Battle of the Bulge and has proudly exercised his right to vote for many years.

This is just the most recent example of a mean-spirited and all-too-partisan attempt to restrict access to the rolls and to the polls. A federal court also recently struck down provisions of a law Florida's legislature passed in 2011, which put heavy burdens on organizations seeking to help voters: burdens that the court described as ''harsh and impractical,'' serving no purpose other than to make it harder for Americans to participate in the electoral process.

These machinations make a mockery of the democracy we put on display every Election Day. The right to vote is the key to that democracy, giving value to the freedom of speech and making the freedom of religion and the right to assemble possible. When one takes away another's right to vote, he is taking dead aim at democracy and undermining the very virtue that makes us the envy of the world.

Including as many Americans as possible in our electoral process is the spirit of our country. It is why we have expanded rights to women and minorities but never legislated them away, and why we have lowered the voting age but never raised it. Cynical efforts at voter suppression are driven by an un-American desire to exclude as many people and silence as many voices as possible.

Our country has never solved anything with less democracy, and we're far better off when more citizens can access the polls—no matter which party mobilizes the most voters to them. As governor of Florida, I extended voting hours and increased the number of days people could vote. I also restored registration rights for felons, years after starting that effort in the state Senate with a member of the opposite party.

I was a Republican at the time of those decisions, which didn't make me many friends on my side. But when you do the right thing for the people, a political party's concerns roll off your back quite easily.

The right to choose our leaders is at the heart of what it means to be an American. Our history books are full of examples to the contrary. When we send independent observers to monitor for voter fraud in banana republics, we derive authority from our self-regard as the ideal. When we hear of corrupt voting practices in foreign countries, where the ideal of democracy is nothing more than lip service, we feel good about ourselves.

It's time to look right under our noses. It's happening here at home. And it's our responsibility to honestly assess the root of the problem—which requires doing so with as little partisan bias as we believe belongs in the administration of our elections.

We can't be surprised every time it turns out that politics are involved in our politics. But neither can we be silent when our democracy is threatened in its name.

There are lines that should not be crossed; meddling with voting rights is one of them. It is un-American and it is beneath us.

Mrs. CHRISTENSEN. We thank you for joining us again, as you've done many times before, and for those strong words and for your strong leadership. We look forward to working with you, Mr. Whip, to make sure that voting rights are preserved for all Americans.

I would like to now yield such time as she might consume to the Congresswoman from Cleveland, Ohio, Congresswoman MARCIA FUDGE.

Ms. FUDGE. Thank you so very much, and thank you as always for anchoring this CBC hour week in and week out. Thank you, Mr. Whip, for supporting this very important issue.

Mr. Speaker, this is America. This is the land of the free and the home of the brave. I, too, sing America, land of the free and home of the brave, Mr. Speaker. America, the light on the hill, the standard, the example, a country built on democracy and inclusion. America,

a country of men and women willing to give their lives to ensure the rights of all people to elect their leadership. But some right here in America are now doing all they can to restrict the ability for us to do the same. They're chipping away at the very foundation upon which all of our rights rest, and that is the right to vote. Yet 31 American States have begun limiting the rights of their citizens to participate in our democracy's most important function, and that is voting.

If things remain as they are today, Mr. Speaker, by the 2012 election, 11 percent, or 21 million American voters, may not be allowed to cast their ballot. Twenty-five percent of them will be African American and 18 percent of them will be our Nation's elderly. This is a national shame. The fact that this was a coordinated effort is a national scandal.

Recently, the Pennsylvania House Majority Leader Mike Turzai told the State's Republican committee, ''Voter ID, which is going to allow Governor Romney to win the State of Pennsylvania—done.''

They can't win without cheating? Have they no shame? Mr. Turzai and others are blatantly and boldly attempting to encumber the rights of the American people. They do not want a level playing field.

A trend that began in just a few States like Pennsylvania has now sparked a wildfire. In Texas, you can face prosecution for registering voters. Five States—Alabama, South Carolina, Texas, Kansas, and Wisconsin—all have passed laws requiring voters to produce a government-issued ID before casting a ballot. In Florida, Georgia, Tennessee, and West Virginia, early voting and absentee voting have been cut short. Even in my home State of Ohio, we're still fighting. We are fighting restrictive actions taken by our State legislature.

Time and time again, Ohio Republicans have tried everything in the book to keep voters away from the polls. Ohio's current legislation will keep as many as 54,000 legitimate voters in my district alone from voting. It could restrict 4 percent of all voters in our county from voting, the county with the highest percentage of minorities.

I'm quite a sports fan. In sports, if somebody wants to change the outcome of a game, they do something that they call ''point-shaving.'' What this is is point-shaving. If we can shave off enough points in every State, even if it is one or two points, this election can be up in the air. It's point-shaving.

Sometimes I think it is time for America to be angry. Sometimes someone needs to know we won't lay down without a fight, that we won't just throw in the towel in defeat. If we fail to act, if we ignore the vicious attack on the right to vote, if we don't do what we need to do to educate voters and fight these suppressive laws, it will have an effect in November and many years beyond.

If we stand idly by, how many voters will be disenfranchised due to changes in voting rules? If we sit on the sidelines, how many people will come to the polls with a utility bill and be turned away because they need a government-issued ID? If we say nothing, how many people will be erroneously purged from the county voter rolls? In my county, that's many people. If we do nothing, how many people will be denied the opportunity to register to vote because community and religious groups can no longer hold voter registration drives?

In the past year, more States have passed more laws punishing more voters out of the ballot box than any time since the rise of Jim Crow.

Join my colleagues and me. Get angry, America. The time for action is now.

Mrs. CHRISTENSEN. I thank you for joining us and making it plain, Congresswoman FUDGE: The time for making this right is now.

We are also joined again by our colleague, SHEILA JACKSON LEE, the gentlelady from Texas. I yield her such time as she may consume.

□ 1940

Ms. JACKSON LEE of Texas. I thank the gentlelady from the Virgin Islands for, again, leading us on a very important topic, one of which that I have worked on, Mr. Speaker, for the time that I have had the privilege of serving in this House. And I would venture to say, Mr. Speaker, that I believe that if I look to this side of the House and this side, we would all hold to the view that it is important to have one vote, one person.

And then we hold to the view that I have been saying, regardless of our ups and downs in the economy, that we do live in the greatest nation in the world. I say it all over, everywhere. There are too many great things that are happening in America. There are too many great men and women in the United States military. There are too many great individual personal stories of survival and small businesses and family farms.

I live in a great State. And I get to see urban America. I get to see family farms, small businesses. I get to see ranchers and people who are struggling against droughts but are still hanging in there. We have, in Texas, a potpourri of the Nation. So I know that we live in a great Nation.

I happen to have had the privilege of serving in a district that the Honorable Barbara Jordan first served in. This district was not created before Barbara Jordan served. And Barbara Jordan, who was an honorable Member of this House, ran many times in a segregated and southern Texas. Many of the times that she ran, she lost. But it was only after the 1965 Voting Rights Act, when they created the opportunity for districts, that Barbara Jordan was able to win a seat in the State Senate. Her picture now is in the State Senate as the only African American woman who served as a Governor for the day. So this is the great news, what the Voting Rights Act of 1965 generated.

She went on to become the first African American elected out of the deep South with Andy Young. And out of that great leadership, she was able to add language to the Voting Rights Act, to create language for minorities which, in essence, provided extra protection for those who had been discriminated against.

Let me remind my colleagues that all I speak of is one vote, one person. That's what redistricting is about. That's what we stand here today and speak of.

We in the Congressional Black Caucus believe it is important, along with the Democratic Caucus—and again, I extend my hand of friendship, I believe, to all Americans—that we fight for one vote, one person; that we fight for extending open, if you will, the doors of opportunity through voting.

Let me make note of this one point: Sixty years after the American Revolution, Americans were fighting to expand the right to vote. In 1842, Thomas Dorr, a white male legislator from Rhode Island, led a huge crowd of citizens, workers, and artisans, white men who were being denied the right to vote because they did not own property. The working man who had no property fought for the right to choose his Nation's leaders and did not win until 1850.

If we just put ourselves in each other's shoes—nonproperty owners, women who did not get the right to vote until the 20th century—we would understand what it means now when voter ID laws are being passed across America. And voters who are vulnerable, voters who are Americans—Americans such as the 95-year-old woman in Pennsylvania who, in essence, is not covered by the Voting Rights Act because of a voter ID law. She cannot vote because she does not have her birth certificate.

We looked for my mother, Ivaleta Jackson's birth certificate until her death. We made all kinds of efforts. We moved and moved and moved and moved to the place of her birth, which was the State of Florida, and could not find that birth certificate. But she had a voter registration card. And I can tell you, by God, that was a citizen, a proud citizen of this Nation who had seen her brother go to World War II, her relatives be in the war. She was someone who loved America, who worked as a laborer but provided, along with my father, for our family.

Would I deny her the right to vote in a State that would have a voter ID law? This is not about a picture, about someone impersonating a voter. It really is a larger question of the Constitution that provides us with due process. Taking away your voting rights is not due process.

So I join my colleagues in supporting the Voter Empowerment Act, same-day registration, protecting voters, having

the right to sign up online. And there is one sentence that says, ''No provision passed by any State can intimidate or prohibit a person from voting.''

Why would we not want to vote, Mr. Speaker? The argument that I would make is, when I have had the privilege to travel on behalf of this great Nation—I remember one of my distinctive trips was as an early and new Member of Congress going into Sarajevo, landing before the Dayton Peace Agreement had ever been signed. Joining me was our former majority leader Dick Armey. We went into Bosnia, the former Yugoslavia, and Croatia after our brave Americans had worked to bring peace to that region. We wanted to see what was going on.

When we went to a city like Sarajevo, my eyes could not believe what I was seeing. People were walking the streets in destitute conditions. Books from the library were all thrown out on the street. Buildings look like they had their heads shaved off, just cut off—maybe by, if you will, a chainsaw, because it was from the bombing. And as we walked the streets, because there was no transportation, we were going to meet with the president, then, of that country. We landed, as I indicated, under a French flag. I had a flak jacket on to get off the plane.

When we went in, they told us that they just had a city election. A city election? In the meantime, I will tell you, as I was walking, a mother came up to me in all black, an elderly woman, and she said, Have you seen my son? He went off to the war. I haven't seen him.

This is the destitution of the people. And they told me that that city election had 98 percent of the people in that city voting. What is happening to America? There is so much intimidation at the voting polls. There are so many headlines about who cannot vote, that people don't vote. That is not the great country that we love.

We're purging people off of rolls instead of sending them a notice and saying, Are you registered to vote? Or do you want to stay on the roll? They're not. A million people in Florida, 1.5 million in the State of Texas, a voter ID law that the courts are now reviewing because there is merit to the fact that these are prohibiters of people voting.

In the State of Texas, they have a voter ID law that's tracked to the Department of Public Safety, a great organization that does not have offices in every county in that State. We have 254 counties, and we've got 80 or 90 of them without Department of Public safety offices.

So I think it is important, as we look to the 2012 November election, that we be reminded that this is not about party politics. It's not about who gets the upper hand. For Americans, it is about one person, one vote. And it is to remind us of days past that, yes, those of us who came out of a history of slavery could not vote. But also, white men who were not property owners could not vote; women could not vote; white men could not vote who were not property owners. And certainly Asians at one time could not vote. Latinos at one time could not vote. But America has grown up, and we recognize the value of that.

So I think it is enormously important that we join together to support the Voter Empowerment Act that we have worked on, and that we recognize the issue of voter protection. This is crucial.

And I do want to close by, again, expressing my sympathy to those in Colorado. But we have had a litany of these tragic issues. I remember how much we mourned the tragedy in Arizona. And now we come full circle, where there are families in such pain.

I think part of the pain is that when you send someone to a place of innocence, to a town hall meeting on the square, to the movie theater, which is really America's part-time pastime. Everyone knows those Friday night movies and Saturday movies, families, children, one couple with a baby. And they said, We didn't have a babysitter. I understand that. I was a young mother with my spouse in an area where we moved away from our families. It was hard to find babysitters. So you take a sleeping baby to the movie. There is no sin in that.

□ 1950

But it is an innocent place. It is a place where you can have joy, and enjoy the genius of America in producing these films. And what happened? Someone who was intent on evil came and destroyed lives. Someone who didn't want their mark to be only in the theater, but they wanted it to be on the innocent neighbors who might by chance do what every neighbor does when you're too loud in your place and it is next door to their place, to ask you to please turn the music down. Just think, Mr. Speaker, if someone had asked to turn the music down or had asked by either knocking loud or entering that apartment, that door was cracked, maybe it was the kind of apartment where neighbors felt comfortable to do that, and if they just entered, the enormous disaster and havoc and carnage and bloodshed that would have been added to the bloodshed.

I made a plea earlier today on the floor of the House, I am, in fact, going to do that. I am going to invite the National Rifle Association to one of my meetings. I want to sit down and talk to them about how we can work together because I want an explanation on why someone can buy 6,000 rounds of ammunition on the Internet without any oversight whatsoever. Why is there no basis of giving notice? If they had given notice to the local police, maybe someone would have knocked on the door and found out what was going on, not last Thursday but a week back, last month.

We can find a way to come together. This is not rocket science to determine why you're getting 6,000 rounds. And you know what pains me, Mr. Speaker, you know what causes me to bleed? It causes me to bleed that active duty troops lost their lives, as the story tells. Sitting in their own Nation, unarmed, along with innocent civilians. We know that those troops, if they could have stopped it, if they were in their armor, they would have been on the front lines protecting the homeland.

I am saddened by the condition of this individual, saddened by what is represented to be this individual's circumstance. Those of us who deal with terrorism and sit on the Homeland Security Committee, have to raise a question about this incident.

I close by simply giving my deepest sympathy to the people of Colorado, the congressional delegation of Colorado, and again our dear friend Congressman PERLMUTTER and all of the delegation for those whose districts overlap those areas, and to say that the American people will continue to pray, to lift them up because as I started out, this is the greatest Nation in the world. I know that we can find a solution to the opportunities of democracy, and we can find a solution to a peaceful way of coexisting so that people are protected as they walk the highways and byways, and law enforcement officers, United States military, babies, young people, and others similarly situated who come out for a simple opportunity of friendship and fellowship and fun. America is better than what happened last Thursday, and we are certainly better than denying individuals their right to democracy.

I thank the gentlelady for yielding to me, and I look forward to working with you and the Congressional Black Caucus and the entire Congress and the Democratic Caucus on standing tall for that constitutional right, precious right to vote, and standing tall for the protection of America, for people, and the homeland.

Mrs. CHRISTENSEN. I thank you, and I thank you again for joining us and offering your views and your vision for what we could be and what we should be, and for your strong words in defense of Americans' right to vote.

As I said this is the America that goes around the world to monitor and ensure that people in other countries exercise their right to vote. So we know that the right to vote is sacred. It is a sacred right. Many sacrificed and some died for that right. As our Democratic whip said, it is the most powerful guarantor of our liberty, and we must protect the right to vote, and we need to support the Voter Empowerment Act.

I want to go back to the issue of guns and violence. One might ask what do guns, what does the gun issue have to do with the right to vote. But, unfortunately, it has been used to deny voting rights in the District of Columbia, the place in which we meet. The District of Columbia has been the victim of the

gun lobby and overzealous gun support in the Senate. Instead of passing a bill to extend the voting rights that the residents of the District of Columbia deserve, the Senate attached amendments that would overturn some of the local laws that are meant to stem the tide of gun violence in the city, meant to restore peace and safety to its streets and neighborhoods.

So in addition to the violence that could follow from allowing concealed weapons, as their amendment would do in just about every venue, against the wishes and rights of the District of Columbia to decide, doing what they did would allow another sort of violence. It did untold violence to the District by holding its voting rights, the voting rights that it should have in this body hostage. That is unfair, and it is just plain wrong.

But in addition, it is some of the poorer neighborhoods in this country where poverty and other ills breed violence. It is in those neighborhoods that we see the voter restrictive policies are being placed. Their ability to vote for individuals who would help them to quell the violence in their neighborhoods and keep their families safe, it is their ability to vote that is being interfered with most by these laws that are being passed by Republican legislatures, and promoted and signed by Republican governors.

I hope that this Congress, and if not this one the next, will have the courage to pass strong and sensible gun control laws. Yes, we are very concerned, as has been said—and which is the subject of our Special Order this evening—about voter protection in the face of many States that are passing laws to restrict voting in ways that do particular harm to the rights of young people, seniors, people of color, and the poor to vote.

As we were reminded, it was made abundantly clear a few weeks ago by that Republican Pennsylvania legislator what the intent of these new restrictive voter so-called poll tax laws are all about: they are being passed to try to defeat President Obama. Well, I have news for them. Those very groups that they are trying to keep from voting, the good people of this country are not going to let that happen. That brings us right back to the need for gun control legislation. The communities that need it most are also the ones that most need us to protect their right to vote. Although everyone in this country must have their right to vote protected, these are the communities where there is violence, where there is poverty, that we must work very hard to protect their right to vote.

In too many communities, violent crime is rising. It is due to the flow of guns, the increase in assault weapons, and it has to be stopped. It is time for us to come together to save our young people, and really to save ourselves. Gabby's shooting shows that none of us are safe unless all of us are safe. My and many other communities are calling out for help. This is a crisis in many parts of our country, and we who are elected to provide for the welfare of our communities and our country have an obligation to do just that. So let's come together. Let's all support the legislation that is before us, the Voter Empowerment Act. Let's also pass gun control legislation. And in the end, though, it is in the voters' hands to decide in November whether we are going to have safe streets and neighborhoods, whether this assault on voting rights will stop. And if we just protect their right to vote, I know that they will do the right thing.

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

GOP FRESHMEN HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Colorado (Mr. GARDNER) is recognized for 60 minutes as the designee of the majority leader.

Mr. GARDNER. Thank you, Mr. Speaker, and thank you for the opportunity to address the House tonight. I appreciate the time and consideration that we will have, the opportunity to visit with the American people about some of the biggest issues we are facing as a Nation.

I thought I would start with highlighting an article that appeared July 18 in Politico. The headline of this bill is: ''President Obama's job's panel, missing in action.''

□ 2000

The first paragraph of this Politico article says:

> President Barack Obama's Jobs Council hasn't met publicly for 6 months, even as the issue of job creation dominates the 2012 election.

So we know that the economy is suffering. We know that unemployment continues to burden this country. But the fact is even the President and his Jobs Council isn't taking the issue seriously enough to make sure they're meeting regularly to talk about what's important for the American people.

Tonight as we talk about those issues that are important to the American people, I want to talk about the issue of regulations and how the issue of regulations, whether it's a large business or small business, are affecting the ability of businesses to hire around this country to get people back to work because we are indeed becoming a regulation nation.

The effort continues this week for House Republicans to ensure that government doesn't stand in the way of America's job creators. Washington doesn't need more regulations, we need smarter regulations.

Tomorrow, we will be considering H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act, which is a package of proposals aimed at providing regulatory relief from the red tape that continues to burden our small businesses. This package imposes a moratorium on any new regulation until unemployment drops below 6 percent nationally. It's been over 3 years since our unemployment has actually dropped below 8 percent. This is the 41st month in a row where unemployment in this country has been at or exceeded 8 percent. This bill aims to curtail the practice of midnight regulations, regulations that are promulgated from the day after the November election through January 20, the day of the presidential inauguration, and highlights the increasing concern of ''sue and settle'' agreements.

As a Member of Congress, I try to vote the right way and push forward the right Federal policies and practices so that businesses can operate more effectively without the hand of government guiding it. I wanted to break down some of the barriers throughout the night that are truly affecting job creators and their ability to hire to make this country work. I thought I would just talk a little about current events across the Nation. Some of these are State regulations, and some of these are local regulations. There is a Forbes article printed last year on August 3, 2011, ''The Inexplicable War on Lemonade Stands'' about regulations that required a child's lemonade stand to cost $400 in permitting alone, bake sale busts across the country because regulations don't allow for children to have bake sales, and Big Gulp attacks in New York as the mayor attempts to regulate the size of pop that people can buy.

Some of these are Federal regulations, and some of these are State regulations. But the fact of the matter is this Nation faces a greater and greater challenge in becoming a regulation nation that hurts job creators and our ability to pull ourselves out of this economic slump.

Tonight I'll be joined by Members of Congress from across the United States, from Indiana to Alabama to Arizona and beyond, to focus on those issues that are important to our Nation's small businesses and job creators.

With that, I would like to yield as much time as she may consume to the gentlelady from Alabama who has been working tirelessly to make sure that her constituents have the opportunity they need to get back on their feet again when it comes to our economy.

Mrs. ROBY. I thank the gentleman from Colorado and the other Members that are here tonight to talk about the Red Tape Reduction and Small Business Job Creation Act that we will be voting on here in the House this week.

Earlier this month, President Obama commented in a speech:

> If you've got a business, you didn't build that. Somebody else made that happen.

President Obama has even talked about how excessive regulation hurts job creation saying that:

Sometimes rules have gotten out of balance placing unreasonable burdens on business, burdens that have stifled innovation, and it's had a chilling effect on the growth of jobs.

This is straight from this President's and this administration's mouth. Even as recently as February of 2012, The Economist put out this, ''The Over-regulated America.'' This is not a secret that we are talking about here tonight. This is something that is clearly well established. And if any Member of Congress has taken, as I know many have, the time to travel throughout their districts, as we all do, to meet with business owners, small businesses, medium-sized businesses or even large businesses, they will tell you that they are not creating jobs because they are overregulated. And I have used example after example on this very floor where I have met with the private sector, with these businesses, and they've said we had to reinvest all of our capital into just making sure that we are dotting the I and crossing the T, when all of that capital could be reinvested in creating jobs.

So what we have on this floor this week is a series of bills. I know Mr. QUAYLE from Arizona is here to talk about his incorporation in this bill, but there are seven different ideas incorporated into this one bill that is going to ease regulations in this country on businesses in different ways. I think tonight, as the gentleman from Colorado has already suggested, we can have a real frank discussion, because this is about being honest with the American people.

I get asked the question, as I'm sure all of you do, what are you doing? What is Congress doing? Well, this is what we're doing. And why our friends in the Senate, for the life of me, I do not understand, nor do the people I represent in southeast Alabama understand, why Mr. REID and those in the Senate will not take up these very bills that will remove the heavy hand of government and unleash the private sector's ability to create jobs in this country. I look forward to continuing this conversation, and thanks for letting me be here.

Mr. GARDNER. I thank the gentlelady from Alabama, and The Economist article, I've got a copy of it here as well, this is not exactly the bastion of conservatism that Republicans hold up all the time to highlight their beliefs. This is the Economist dated February 18, 2012, headline as you stated, ''Over-regulated America.'' And just to share one little factoid from this report that The Economist put out here, it says a study from the Small Business Administration, a government body, found that regulations in general add $10,585 in costs per employee per year—$10,585 per year per employee is the cost of regulations. If you're a business that's just getting started, or if you're struggling to balance the books and make sure you are able to continue into next year, here's the cost, $10,585 per employee.

Mrs. ROBY. Just to jump in real quick, have you heard from your employers back in the district where you go and you do these site visits and they immediately tell you not just how overregulated they are but how excited the regulators are to come into their business and write them up for things they have never done before? In the past, these regulators have been ambitious to help job creators to correct situations that may be unsafe or a dangerous situation for the employees. But, now, instead of providing employers an opportunity, there are fines after fines after fines that are just putting more of a burden on these very people that want to take their capital and invest in job creation. I hear it everywhere I go.

Mr. GARDNER. You're exactly right, the punitive approach to regulation that's not actually trying to make a business improve, it's not trying or concerned with safety, but it's more concerned with the number of tickets or violations that they write, the number of fines that they can collect.

I know the gentleman from Indiana (Mr. YOUNG) has a lot of insight on this. You talk about a State that has seen some incredible challenges over the years as it comes to the economy, but certainly rebounding now under great leadership of Mr. YOUNG himself as well as a great Governor, Mitch Daniels. I certainly look forward to the comments you have tonight.

Mr. YOUNG of Indiana. Thank you so much for your hard work on this issue and your leadership on so many other efforts. I can certainly identify with the comments that you've made and that the gentlelady, my fellow colleague from Alabama, has made. We've seen an uptick certainly in my district of these numbers of notices and penalties that the aggregates businesses, for example, in my district receive, oftentimes for petty little issues. And it seems that there has been an increase in the enforcement from this administration on some things where frankly you ought to have these agencies working with our businesses, helping them come into compliance, consulting with them, doing even a little cost-benefit analysis on the ground level. We've lost all sense of perspective.

I have to say as someone who has just been here for a year and a half, I've been a little surprised by a number of things, but perhaps it was my own naivete that led me to expect most of my constituents' concerns would be related to how we should vote on a given matter.

□ 2010

Vote ''no'' on this resolution. Vote ''yes'' on that given bill. But instead, so much of what I have heard over the last 1½ years has been, as much as anything else: Stop this regulation from being enforced. It's really killing our business. It's hurting job creation right here in our part of the country. How can you rein in these executive mandates? So I've tried to do my part, and others have here as well.

I'll cite my colleague from Indiana, Congressman TODD ROKITA, who has worked very hard on a project the last year and a half that he calls the Red Tape Rollback. I hold right here in my hand a report which Congressman ROKITA's office recently put out, the catalogs, these regulatory concerns of businesses in my home State and the job-destroying effects of overregulation. It turns out there's a reason why so many businesses in the Hoosier State are suddenly feeling the crushing effect of regulation, and it's because we've seen a sharp increase in regulations under this administration.

Let me throw out some numbers here:

Since 2008, there have been over 34,000 regulators added to the government's payroll;

Additional regulatory costs have increased by $46 billion per year since the beginning of 2009;

The number of regulations with an economic impact of $100 million or more—so-called ''major regulations''—has increased by 32 just last year. By comparison, the last President only added 28 such regulations in his first 3 years in office. All told, this President added 106 through the end of last year.

So the list goes on and on. I know my colleagues can add to this list—parade of horribles—with respect to regulations. Something needs to change up here. I'm glad we're here tonight to talk about a particular bill that will change things for the better.

Mr. GARDNER. I want to just ask a quick question about something that you said there. I believe you said, since 2008, 34,000 regulators have been hired by the Federal Government?

Mr. YOUNG of Indiana. That's right. They've been added to the government's payroll.

Mr. GARDNER. These are individuals whose sole job it is is to write new regulations; 34,000 new people to write new regulations.

Mr. YOUNG of Indiana. To write new regulations, to go out there and to pore through private sector books, to be boots on the ground to enforce these existing regulations. So we've got 34,000 more individuals who are interfering with private sector activity.

Now, I use the word ''interfering.'' I acknowledge there are cases where we have to have regulations. I think everyone here would agree with that sentiment. But things have gotten out of whack, and we're really constraining job creation at a time when our constituents want us to be creating more jobs.

Mrs. ROBY. I would love to add to the out-of-whack statement because I have a few examples here.

I don't know if you have agriculture in your districts, but the farmer that is having to deal with duplicative permitting processes or concerns over the Federal Government making them regulate dust on their farm. As one of our

colleagues said, last time she checked, if you drive a pickup truck down a dirt road, it's going to generate dust. But we're regulating that. That's what the Federal Government is regulating.

Not to mention ObamaCare or the pulp and paper industry—which we have a lot of in my district—concerned about the Boiler MACT regulations that are so costly, the gas station owners that are worried about EPA requiring that their gasoline have certain percentages of ethanol mixed into their fuel or they have to pay a penalty, or the chicken hatchery farmer—now, this is a good one that happened last week.

We had a chicken hatchery farmer that called our office just last week about a new regulation that will require keeping his eggs at a certain temperature to go to processing to make dried eggs to avoid salmonella. Well, here's the kicker. And this is just to demonstrate the ridiculousness of the overregulation.

On the surface, this makes sense because we want to protect America's health. But this same regulation, this very same regulation, is letting the grade egg farmers that do have potential salmonella in their facilities send their possible contaminated eggs to the same processing plants. Processing eggs for dried eggs and other products kills the salmonella that would potentially be in this product. The FDA is allowing possible exposed eggs into the system.

So why should a hatchery farmer, who only sells to this type of processing when they have extra eggs be forced to put it all in a sort of refrigeration process that has nothing to do with the prevention that the regulation says that it's trying to prevent? And the answer is overregulation. This is just another example. I like eggs. I fixed some scrambled eggs this morning for breakfast. This affects me. It affects all of us in our lives, in our homes, in the grocery store.

When I buy milk for my kids, I see the costs increasing because of these very regulations. Whether it's the EPA and the ethanol in the gas or these actual very specific regulations that have to do specifically with the product being sold, we all are affected by this. It's costing jobs, and it's costing the American taxpayer to have to spend dollars that are unnecessary.

Mr. GARDNER. I thank the gentlelady from Alabama for making the point, especially on the issue of farm dust.

I can remember a committee hearing we had a month ago where the assistant administrator of the EPA was asked directly whether or not the EPA regulates farm dust, and she denied that the EPA is going to regulate farm dust. But when she was asked whether or not the EPA regulates dust from farms, the answer was yes. Now, only in Washington, D.C., Mr. Speaker, can farm dust and dust from farms be two different things.

But somebody who has also been standing the line to make sure that they are fighting for America's job creators, somebody who's been doing the hard work it takes to get this economy back on track, and somebody who has experience himself as a job creator, running a small business, putting people to work, is our colleague from Colorado, SCOTT TIPTON, who has worked tirelessly to make sure that this country's policies reflect a nation of job creators instead of a nation of bureaucrats.

With that, I would like to thank the gentleman from Colorado (Mr. TIPTON) for joining us tonight.

Mr. TIPTON. My pleasure, and I thank the gentleman from Colorado for yielding.

Mr. Speaker, we have a great challenge in this Nation: to be able to get our people back to work.

Right now we are paying, as a country, $1.75 trillion per year in regulatory costs. As was noted earlier, small businesses are incurring better than $10,000 per employee. That is a burden that they cannot sustain, hoping to be able to create jobs and to be able to get this economy moving.

I'd like to be able to just give you a couple of real, personal examples of regulations that are impacting real lives.

A gentleman in Pueblo, Colorado—they just had their new unemployment figures come out: 11.1 percent, and those are just the official numbers. The real numbers are even much higher. Jim Bartness, much to his dismay, contributed to that, simply because he tried to play by the rules that the government had issued.

A small construction company, Mr. Bartness had had a few good years. In fact, under the President's proposals now, a couple of years ago he would be deemed as wealthy. What did he do with his wealth as a small business man, an LLC, a sole proprietorship? He reinvested those dollars right back into his business—to be able to create jobs, to be able to provide for his family. He paid down his line of credit to zero, kept a little bit of cushion to be able to get them through the tough times.

In construction, if you're familiar with that, you often bid jobs but you don't get them. So he needed to re-up that line of credit to be able to keep his business going, to keep his employees going. When he went down to the local community bank, he was told they wanted to re-up that line of credit, but regulatorily, they could not. He could not get that line of credit. The one option he had was to shut down his business, line up that equipment, and auction it off.

As I talked to Mr. Bartness, you could see tears welling in his eyes as he related that story of calling in those 23 employees to tell them it was going to be their last day. That was a regulatory killing—literally—of a business.

I think we all do concur. We know there need to be some regulations. You know, at the beginning of the 1900s in this country, when we first started building cars, there were only two automobiles in New York City. They ran into each other. A stoplight isn't a bad idea. But we have seen such overreach out of government.

When we're talking about the agricultural community, as I traveled through the San Luis Valley, where I was this last weekend, held a town hall meeting and met with potato farmers, fully willing to take on the issues that we deal with often in Colorado, dealing with water, they didn't want to talk about water. They wanted to talk about the EPA. The overreach of government in the regulatory process is literally killing business.

We had a message that they wanted to be able to have delivered. They heard the President's comments that they didn't build that business; they owed it to government. They want the President to know that when they open up that business early in the morning and put in those 12-, 14-hour days, sometimes 7 days a week, and they are the ones that lock that door at night, it isn't Washington, D.C., but it is this President's policies which are inhibiting job growth in America.

□ 2020

We've got to be able to get America back to work, and the Red Tape Reduction and Small Business Job Creation Act is something that will help achieve that, and I'm proud to be able to stand with you and speak to this this evening.

Mr. GARDNER. I thank the gentleman from Colorado.

And again, I will highlight some of the statistics that he pointed out. And the gentleman from Colorado can correct me. You said $1.75 trillion cost of regulations. That's per year?

Mr. TIPTON. That's correct.

Mr. GARDNER. And that's just money that businesses are using to comply with more and more regulations that are in place every year by the Federal Government.

Mr. TIPTON. It is. And I think it's incredibly important to note, they're continuing to grow. The moving bar that our businesses face in terms of regulatory compliance is costing American jobs

Mr. GARDNER. And I would point out, too, as the gentleman has mentioned, the cost of regulations and the time that regulations take, this is a—again, going back to that same economist article talking about the issue of overregulated in America. And it talks about how every hour spent, every hour spent by a doctor in this country today, under the President's health care bill, when a doctor meets with a patient for an hour, that doctor, that health care clinic, that hospital, is going to spend at least 30 minutes filling out paperwork and forms. So the doctor meets for an hour with the patient; they're going to be spending at least 30 minutes of paperwork, and often a whole hour.

You talk about regulations. That's what the President's health care has brought us.

And I know the gentleman from Arizona (Mr. QUAYLE) has been a champion for job creators in his State. The next speaker tonight is BEN QUAYLE from Arizona, who's going to talk, amongst other things, about a bill that he has introduced, H.R. 3862, to get to the very heart of some of the challenges that we face when it comes to protecting America's job creators and making sure that we're not strangling our job creators through regulations. I look forward to his comments tonight.

Mr. QUAYLE. I thank the gentleman for yielding.

Our friend Mr. TIPTON from Colorado was talking about some of the President's comments about business owners and people who created businesses, when he said that, you know, if you have a business, you didn't build that.

Well, Mr. Speaker, I have news for the President. They did build that. They built it on the sweat of their own brow, their hard work, their determination. Sometimes they failed, but most of the time they succeeded. And they didn't succeed because of government; they succeeded in spite of government because of all of the regulatory burdens they put in front of small businesses to grow, all of these things that they have to comply with, and the rules change on a daily basis.

I was reading an article—actually, an interview—with former Secretary of State George Shultz the other day in The Wall Street Journal, and he had a very appropriate analogy when he said that, if you take a sports game, whether it's football or baseball or what have you, and you're asking a team—here, it's going to be businesses—to get involved, get on the playing field, which is exactly what people are saying right now when people are holding back their cash if they've been lucky enough to have that success.

But the problem is you don't ever want to go onto a football field if you don't know what the rules of the game are, if the rules are going to change, or if you have a referee, like this administration, who is not going to faithfully execute the laws based on what is written rather than what they believe should have been written.

And so that is a huge difference, and it's a huge problem that's facing our job creators right now. They don't know what the rules are. They're constantly changing, and they don't have a referee that's going to call balls and strikes just as balls and strikes and not just make things up as they go along.

Our friend from Colorado (Mr. TIPTON) mentioned that $1.75 trillion of annualized costs are dedicated to regulations. If you break that down, that's about $10,585 per employee for the average small business. I don't know about you, but that is a huge cost that is an annual cost that they pay every single year, and it's choking the ability for small businesses to take that money, take that capital, invest it, grow it, hire new people. Instead, they're using that for compliance costs. Instead, they're using that to push paper.

Those are the things that we're trying to get rid of. Those are the things we're trying to streamline so that we don't have the red tape that's going to continue to stifle economic growth in this country.

And if you look at what's coming down the road, my goodness. You have Taxmageddon that's coming up on January 1, where we have the Democrats in the Senate say that they're willing to go over the fiscal cliff in order to get after some of the best job creators and tax them, basically to Armageddon.

And then you have the regulatory environment that continues to stifle economic growth. And if you look at what the Obama administration has been able to do, just in 2011, they added $231.4 billion in new regulatory burdens. They added 82,000 pages to the Federal Register. That is an insane amount.

But this week we're going to be fighting back. That's why the Red Tape Reduction and Small Business Job Creation Act is so vitally important for the economic future of our country.

Now, I have a bill that's entitled Sunshine for Regulatory Decrees and Settlement Act of 2012, and that's a piece of this bill. And what it does, it kinds of goes into an area that's not really talked about that much, but this is basically regulation via litigation, and it's extraordinarily damaging.

What happens is, if you have an interest group, they lobby Congress for a rule, for a statute, and having one of the agencies write a rule by a certain specific date. Now, the date is artificially short so they can't actually comply and go through the normal rulemaking process. So then that date lapses, and then that special interest goes and sues that agency. The DOJ comes in and tries to defend it, and sometimes—and most of the time—we get a more stringent regulatory burden that is placed on our businesses, and they don't even have a chance to respond. A lot of times they file the complaint the same day as the settlement agreement, and it is virtually impossible for a subsequent administration to actually change that because they have to go through the whole judicial process rather than going through the normal agency process.

So this starts to bring some transparency to that, brings the stakeholders to the table so they can have a say in what's going to happen in the regulation that's going to directly affect their business.

Now, some of the most onerous regulations that have been passed recently have been passed via this regulation via litigation, whether it's the Boiler MACT, the Cement MACT, the Utility MACT that's coming down. Some of the ones that affect Arizona especially, we're having one that came out that's going to affect the Navajo Generating Station that could cost hundreds of jobs, drive up Arizona energy prices by 20 to 30 percent, our water costs by 20 or 30 percent, and the compliance cost for the Navajo generating station is $1.1 billion.

□ 2030

This came through regulation by litigation. These are the types of things that this bill, which we're going to be debating in the next couple of days, is going to stop. It's going to put an end to it so our small businesses can grow again, so we can get our economy moving again, and so we can get people back to work.

I thank the gentleman for highlighting this issue and for leading on this issue.

Mr. GARDNER. I thank the gentleman from Arizona.

You mentioned at the beginning of your comments tonight the President's statement that, if you have a business, you can thank government for that.

Have you ever had a small business owner or somebody who opened a business call you and thank the government for building his business? I don't know. I certainly have never had that.

Mr. QUAYLE. No. I think Ronald Reagan said the scariest words you can hear are: "I'm from the government. I'm here to help." I think that that is basically what our small businesses are saying right now, that if you have the government knocking on your door, it's not a good thing.

Mr. GARDNER. And $1.75 trillion is the yearly cost of regulations. If you were to hire 35 million people at $50,000 a year, that would equal $1.75 trillion. $1.75 trillion could hire 35 million people at $50,000 a year.

Mrs. ROBY. I would even add to that and say that I've had business owners in my district who have lodged complaints about what we talked about before, this punitive regulation, but they don't want you to go to bat for them because they're afraid it's only going to end up costing them more and that then their businesses will become targets of this Federal Government.

Now, what kind of United States of America is that when we have businesses that are afraid to complain to their Representatives in Congress about exactly what you're talking about? "Hi, I'm here. I'm from the government and I'm here to help." Then you complain about it, and you get targeted as a business.

Mr. QUAYLE. You're exactly right. Because of all the different agencies that there are to respond to, they're worried that, if they actually challenge the ruling or challenge the regulation that is being put upon them, then they will actually have further burdens placed upon them, further ramifications placed on them so that you have a constant living in fear because they're going to still have to report to that agency. Then, if they actually try to combat what just happened, they're going to have the full force of this

agency going down their throats. That is a huge issue.

Mrs. ROBY. If you talk to the Greatest Generation, you know that is not what this country was built on.

Mr. YOUNG of Indiana. In everything you've described—from the sports analogy, where people are afraid to go onto the field because they don't know the game, to the direct impact it has on all sorts of businesses—that also applies to our Nation's financial institutions.

It's through our banks and credit unions that so many of our small businesses get off the ground, and that's how, oftentimes, they're able to sustain themselves during dips in the economy. Unfortunately, there is great uncertainty in the financial sector as well. We can cite a number of different things, but I put Dodd-Frank high on the list. I certainly hear that in my district. Let me relate to you a little story about the impact of regulations as they affect banks and how they, in turn, affect businesses in my district and around the country.

I visited, not long ago, a business that manufactures food products, things like these little miniature pizzas that are frozen—you buy them at the grocery store—and little hot dogs with dough encrusted around them. It's actually an incredibly productive manufacturer of these things, and it has developed a lot of expertise. This company was on the verge of a major expansion. It would have created hundreds of jobs in my district and led to additional jobs because of the supply industry that would have supported this company.

But Federal regulations got in the way.

The company needed a $3 million bridge loan to get everything online and begin production. They were a dream sort of business. To give you a sense of what they had lined up, they had a world-renowned entrepreneur, and they had a billionaire investor. The person who had conceived of this business put up $1 million of his own money—his life savings. They had several high-profile, nationally known businesses lining up with purchase orders. They'd already secured a new facility and invested significantly in new capital equipment.

So everything is online, but the new banking regulations prohibited them from getting the money they needed to take it to the next level. Things are finally moving forward for this business. I'm happy to say that, despite these headwinds, the founder of this business was able to secure alternative financing from private sources and others. Ultimately, it was regulations that almost killed these hundreds of jobs in my district.

This is the sort of human impact that so many Americans and communities are facing right now. This is what we're trying to get our hands on with this legislation that we're passing.

Mrs. ROBY. To quickly add to that, in the Dodd-Frank Act, there are 36 rules implemented, and it will grow to the 400 required under that act. That goes to your point exactly.

Mr. YOUNG of Indiana. Absolutely.

So we've seen this in the ag sector, where traditionally between crops being planted and harvested, it's not uncommon to get bank loans to keep the operation afloat, especially with smaller farms. We see it in all types of businesses. It's time that we take care of these financial regulations and other types of regulations, and I'm glad we are acting here on the Republican side in the House of Representatives.

Mr. GARDNER. Again, thank you for sharing that story with us about a manufacturer of a restaurant—a food business, I guess, operator—that is ready to create jobs if it could just get government out of the way and let it do what it does best, which is run its own business.

I am pleased tonight that we are joined by the gentlelady from North Carolina, VIRGINIA FOXX, who is a champion on the House floor in making sure we are doing just that—getting government out of the way and letting America work.

Ms. FOXX. I want to thank members of the freshman class—I think people don't realize we call ourselves ''freshmen'' our first year here—for doing such a wonderful job of humanizing this bill.

This is not the most exciting legislation that has ever passed the House of Representatives, and I have to say my piece of this legislation is probably one of the least exciting pieces of it. It's H.R. 373. It's called the Unfunded Mandates Information and Transparency Act. It's pretty dull. I'll tell you, when you read it, if you need something to put you to sleep, it's a great thing to put you to sleep, but it is very important legislation. All seven pieces of the legislation that you all are talking about tonight have real impact on the public.

I want to say, in 1995, when Republicans took over the majority for the first time in 40 years, they passed a bill with bipartisan support called the Unfunded Mandates bill. We all grew up hearing how the Federal Government was putting unfunded mandates on State and local governments. So they said, well, we're not going to do that anymore. We're going to figure out how much this costs, and if it costs over $100 million, we're not going to do it. Well, guess what? There were loopholes in the legislation. We hear about loopholes all the time in tax legislation, but you don't hear very many people talking about the loopholes that are out there that govern the bureaucracy. Well, there were lots of loopholes in the Unfunded Mandates bill, or UMRA.

What my bill does is close those loopholes to keep the bureaucrats from getting around telling us how much these unfunded mandates are going to cost. For the first time ever, it is going to apply to the private sector so that we will really know—these rules and regulations that the gentleman from Indiana was talking about—how much they're going to cost that business that was almost put out of business. That's what we need to be doing.

So the rules may go into effect, but this Congress is going to understand and the world is going to understand how much it is costing us, and that is very, very important.

I thank you for letting me share a couple of minutes of your time tonight in order to bring some information forward about H.R. 373, which is a bipartisanly supported bill, as I think most of these bills are. So, while they are not exciting, they do good work.

Mr. GARDNER. I thank the gentlelady.

In going back to some of the comments that have been made tonight, the gentleman from Indiana talked about the 34,000 new rule makers—the people who have been hired to do nothing but write rules. I live in a town of about 3,000 people, so 34,000 people is a heck of a lot more than I have in my hometown, and they were all hired to write regulations. The gentleman from Arizona talked about 82,000 pages.

To the gentleman, I think that was 82,000 pages of regulations in 2012 alone?

Mr. QUAYLE. 2011.

Mr. GARDNER. 2011. So that's 82,000 pages of regulations written in 2011.

During the first 3 years in office, the Obama administration unleashed 106 new major regulations that increased the regulatory burdens in this country by more than $46 billion annually. I want to share with you a statement that the President, himself, made. This is a statement that he made recently, saying:

The rules have gotten out of balance, placing unreasonable burdens on business, burdens that have stifled innovation and have had a chilling effect on growth and jobs.

Yet here we are increasing regulations by this President, by this administration.

Mr. YOUNG of Indiana. We've just lost all sense of perspective. We ought to be measuring the cost of any given regulation—of any proposed regulation—of the benefits, and then comparing the two. I think any fair-minded person would take into account both of them and, in the end, decide whether or not a given regulation makes sense.

I was doing a little research earlier in preparation of my coming down to the floor. I just wanted to see what some of the cost-benefit analyses have been for recent regulations.

□ 2040

I came across a report by the National Bureau of Economic Research. It was from a decade ago. They took a look at some of the regulations that have been proposed over the years. One of them was child-safe lighters. The Consumer Product Safety Commission determined that a life would be saved for a cost of only $100,000 by implementing these regulatory standards for

child-safe lighters. That strikes me as pretty reasonable. That's absolutely worth it. There was another regulation proposed, and conceivably for a cost of $100 trillion that we might save a life some day by the solid waste construction regulatory standards that our Federal Government has proposed. There has got to be a sense of balance here, or we're going to crush our economy.

Mr. GARDNER. We continue to hear testimony before our committees that talk about how for every $1 million you spend on regulations, it creates 1.5 jobs, as if regulations and adding burdens to business is actually job creation in and of itself.

Mrs. ROBY. Didn't you have the opportunity to question a witness on your committee and ask very specifically as it relates to energy? If I watched the hearing correctly, you were unable to ever get really until the final admittance that, in fact, they do not take economic impact into consideration when instituting these regulations.

Mr. GARDNER. It's one of the greatest frustrations I have. You're talking about major regulations and their impact on job creation and impact on jobs, and yet this bureaucrat admitted that they don't take into account in the economic analysis they carried out, they don't take into account the impact on jobs.

Mrs. ROBY. What do they take into account?

Mr. GARDNER. Somehow they have cost and benefits, yet they consider their economic analysis complete, even though it doesn't take into account jobs.

Mrs. ROBY. Without the input of the private sector that is actually impacted by the very regulations.

Mr. TIPTON. I would like to be able to comment really in regards to Congresswoman FOXX, that this is an exciting piece of legislation.

The fact is that if you sit down and you talk to small businesses, they're excited about this legislation because they're the ones that are literally feeling this impact. We passed the REINS Act to be able to pull back those massive regulations which were impacting jobs in this country. We are standing up for the small businesses that create 7 out of 10 jobs in this country to be able to get our people back to work.

Just recently when we were talking about committee hearings, we just had a hearing in a Small Business Subcommittee that I chair over at Energy, Ag, and Trade, and we saw that the Department of Labor was going to start regulating children working on the family farm. You couldn't work on a haystack higher than 6 feet; you couldn't take your animal down to the county fair to be able to show. In farming and ranching, you learn by doing. They pulled that rule now for the balance of the year. What's frightening to the farm and ranch community is the words ''for the balance of the year.'' They will be back. The regulators will be back.

This is a commonsense piece of legislation that's speaking to the heart of the people that drive this country, the small businessmen and -women who are willing to wake up those mornings and put in that hard labor just for the hope of being able to live the American Dream. This is the right thing to do at the right time for American business, to be able to stimulate jobs and get this economy moving.

Mr. QUAYLE. I very much agree with that.

One thing that Mr. GARDNER from Colorado was talking about in terms of actually taking into account in the cost-benefit analysis is the impact on jobs. I've talked to a number of businesses, and they say that with all of the new regulation that has been coming out of this administration, that they've actually had to replace somebody in a productive part of their company, in R&D, research and development, with somebody on the administrative side just to be able to comply with the regulations.

If you look at that, it's a net zero for job creation or job loss. The problem is that that person who is involved in R&D, they have the ability to get new products on the market that are actually going to expand their company. Somebody who's actually just pushing paper and trying to comply with regulations is never going to put in some sort of measure where they're actually going to be able to expand their company. That's the big thing that we're talking about when you're saying that for every regulation you have 1.5 jobs for whatever million dollars. That's just hogwash. It's ridiculous that they're pointing to that. I've heard other Members say that increased regulation increases jobs. It does not. It increases paperwork. We don't want a bunch of paper pushers. We want people who are going to provide products and services that are going to be expanding the economic pie that we have in the United States.

Mr. GARDNER. I often tell my constituents a story about my great-granddad when he came to Colorado and opened up the farm equipment dealership that still remains in our family today. I tell the story about how they came to our hometown, a small town, and they built their business. I talk about how my wife and I wonder if our children are going to be able to have the same opportunities that he did to start a business of their dreams. I don't think they ever imagined that the government would be considering prohibiting a 16-year-old from working on their uncle's farm. I don't think they ever imagined that the government might try to require dairies to build berms around the cows in case there was a milk spill. I don't think they ever would have imagined a world where the government would introduce, as a result of litigation, a proposal that could wipe out 25 percent of our electricity generation just because they decided this regulation has to go into effect because of a lawsuit that they agreed to settle, and the cost that that will force upon America's job creators.

Again, we get back to this notion of the millions of people in this country that are unemployed. We get back to the very simple fact that one out of every two college graduates today is either unemployed or underemployed. Our Nation has seen unemployment rates at or above 8 percent for 41 months in a row. All while the promise of the President's stimulus bill said we're going to solve these problems, unemployment is going to be drastically reduced, we're going to create energy opportunities by giving millions and millions of dollars in loan guarantees to companies that go bankrupt. Yet, we have job creators in Indiana ready to hire, but they can't get the money that they need because of regulations. We have a government that would rather give loan guarantees to companies they know are going to fail than to actual job creators that are already succeeding.

Mr. YOUNG of Indiana. If I can intervene here. You would think that during a down economy, what some have called the worst economy since the Great Depression, we would stop piling on. It's the first rule of holes: you stop digging when you find yourself in one. But we continue to dig even though we're in a hole. We pile on new significant regulations on top of the existing significant regulations.

There's a portion of this legislation that was offered originally by Congressman GRIFFIN. His name is still on it: Regulatory Freeze for Jobs Act. This places a moratorium on all significant regulations, all of those with $100 million or more economic cost on our economy.

This is common sense among my constituents, probably among the vast majority of the American people here, that you just stop piling on the major regulations during a down economy. I'm certainly supportive of this. I think we need to go further.

Mr. TIPTON of Colorado mentioned the REINS Act. It would be my preference that every time we have any proposed rule or regulation imposing a $100 million cost or more on our economy, it comes back to Congress for a hearing, for an up-or-down vote. We should allow our constituents to weigh in on the manner, tell us how to improve the regulation, tell us if they think it ought to be eliminated altogether, or perhaps they like it. In the end, I think we need to own these significant regulations.

You know what? If we pass that REINS Act, that will give all of us an incentive not to punt on the hard issues, not to pass them onto the EPAs and OSHAs and USDAs of the world. Ultimately, we would own it. We would be accountable. I would invite that sort of scrutiny and accountability.

Mrs. ROBY. Wouldn't that be a novel idea?

Just real quickly if I may. We've now stated on more than one occasion some quotes from the President and this administration going back to the fact that if you've got a business, you didn't build that. Then, as the gentleman from Colorado just read again, the President said that these rules have gotten out of balance. Mr. GRIFFIN in his op ed he wrote in support of his amendment. I'm just going to make sure we give the gentleman from Arkansas some credit since he's not standing here with us. He also points out at the end of this opinion piece that the President admitted in his State of the Union address, ''There's no question that some regulations are outdated, unnecessary, or too costly.''

□ 2050

And I just want to read that again. ''There's no question''—this is the President, this President, President Obama—''There's no question that some regulations are outdated, unnecessary, and too costly.'' Yet every single time in my short tenure in this House of Representatives that we have brought a bill to the floor to deregulate, to do away with unnecessary regulations so that the private sector can grow, we are blocked in the Senate, and the President is not there to support us.

Mr. YOUNG of Indiana. Just one addition to the gentlelady's comments. The President also ordered a regulatory review of all regulations in that very same speech. And he was going to root out, he said, existing regulations that were constraining job creation. He reaffirmed his commitment to repealing all these sorts of measures. You know, his rhetoric is not matched by commitment, by action. So we're acting in terms of this piece of legislation, and I am proud of that.

Mr. GARDNER. And I would like to ask the gentleman from Colorado tonight—you know, the gentleman from Indiana mentioned the Regulatory Freeze for Jobs Act. This is the idea that we put a freeze on regulations when the economy's down, but it is specifically about the REINS Act.

You know, the REINS Act that we talked about earlier this year was a bill that we passed that said, if a rule or regulation has a certain economic impact on our economy, then it has to come back to us to say whether or not this is something that we need to pass on to America's job creators.

When we served together in the State legislature, every year we worked on the rule review bill. And the gentleman from Colorado will recall that this was a bill that came up to us, and we got to look at the regulations and give them a thumbs up or thumbs down on whether or not we thought the executive agency had gone too far, whether we thought they were doing the right thing.

And again, this is just one way for us to say, hey, let's do what's right for America's job creators.

Mr. TIPTON. You know, in Colorado, we just call that common sense. And I bet we do in every other State in the Union as well.

Here is what is fundamentally the problem: We will recall that Minority Leader PELOSI, with the passage of the President's health care mandate, said that once it is passed, we'll find out what's in it. It is a little comical to be able to hear that. But the fact is, it was actually true because they continued to fill in the blanks with regulations. We continue to see that with Dodd-Frank. And the Congress is not having the opportunity to truly be able to be engaged.

I know in each of our committees, we have challenged bureaucracies, departments as they have come in to be able to bring those rules back to the authoritative committees, to be able to bring them back to Congress to actually be able to play a role because here is fundamentally the problem: Once they go final with a rule, it takes that proverbial act of Congress to be able to pull back that rule that a Member of Congress, a Member of the Senate never asked for.

We have got to be able to have these opportunities, to reengage the people who are actually elected to be able to represent the American people rather than having nameless, faceless bureaucrats writing regulations that are hurting American business, hurting our economic prospects, and preventing us from being able to get this economy moving.

Mr. QUAYLE. You know, it is kind of a shame that we actually have to pass something like this. But so much power has been amassed in the executive branch that we need pieces of legislation like the REINS Act, like this bill.

But the thing is is that if the President would just pick up the phone and call his agency heads and say, Cut it out; don't pass these rules and regulations that are going to keep putting a damper on economic growth. I mean, they believe that they have executive discretion for just about anything. But my goodness, the one thing that they should be using some sort of discretion for is not putting more burdens on small businesses that are trying to grow.

So the President needs to just pick up the phone. That could lead to the biggest economic growth that could happen in this country if he picked up the phone and told every agency head, Hey, let's cut off all these new regulations that you guys are trying implement.

Mr. GARDNER. And I think the gentleman from Arizona brings up a good point because the President likes to blame Congress for not increasing taxes or for spending enough money. But we know that this President is in charge of his executive branch agencies, that he's the one who appointed his cabinet, approved by the Senate. He could just pick up the phone, as you said, call, and say, Let's make sure we're making it easier for businesses, not more difficult. And again, it's an incredible, incredible opportunity that the President has to stand up and lead. But it goes back to that very issue: he's required to stand up and lead.

Mr. YOUNG of Indiana. Does anyone know—I will pose this question to my colleagues. Is the President's jobs council working on this issue?

Mr. GARDNER. The gentleman from Indiana brings up a great point. And as I mentioned earlier tonight, there was an article in Politico that was printed last week. The President's jobs council hasn't even met for 6 months. I don't know if they have given up or if he just is afraid that they may not support his policies.

Mr. YOUNG of Indiana. I have heard that. It seems he has other priorities. But we need to force the hand. We need to make the argument here. This is what our constituents are asking us to do, every conceivable thing we can think of to create an environment where jobs can be created, where new businesses can be started, where entrepreneurship is at a 15-year low, where existing businesses can expand, where unemployment remains above 8 percent for how many months now.

Mr. TIPTON. I applaud that comment.

Let's make American jobs the key priority. Putting Americans back to work; that must be a priority. And we call on the President to join us in this action. We are putting forward the idea. But we need some partners that are willing to be able to work with us.

Mr. GARDNER. I want to thank my colleagues from Indiana, Alabama, Colorado, Arizona, and North Carolina who stood on the House floor tonight talking about what we could do to get this country moving again, what we could do to unleash the innovators and the entrepreneurs across this country.

We face a lot of challenges. We know that we face insurmountable debt that we must address. We know this country faces spending challenges each and every day. But we can't build a long, sustainable economy unless we get America's job creators back on their feet.

The Small Business Administration recently released a study that said, per employee, small businesses face regulatory costs 36 percent higher than large businesses. It's now easier to start a business in Slovenia, Estonia, and Hungary than in America.

The message that we join together tonight to send to our job creators is that we stand with you. We stand with businesses across this country who are struggling to hire that next person, to make sure that they have the opportunities that the people who started their businesses did, to make sure that the generations that follow have the same opportunities as the generations before them.

So I want to thank my colleagues again for joining us tonight and to

make sure that the American people know that we, indeed, have a jobs plan. And tomorrow, when we pick up, again, a debate to talk about America's job creators, that we will talk about how we can get this economy moving forward again. And we will be voting on H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act, that every vote we take on it will be made with one purpose: to get this country moving again and to get our economy back on track and to get America's job creators hiring once again.

I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4078, RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 6082, CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

Ms. FOXX (during the Special Order of Mr. GARDNER), from the Committee on Rules, submitted a privileged report (Rept. No. 112–616) on the resolution (H. Res. 738) providing for consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, and providing for consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR (at the request of Ms. PELOSI) for today on account of official business in district.

Mr. HONDA (at the request of Ms. PELOSI) for today.

Mr. REYES (at the request of Ms. PELOSI) for today on account of medical reason.

ADJOURNMENT

Mr. GARDNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 24, 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:

7011. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2011-0398; FRL-9352-2] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7012. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dicloran and Formetanate; Tolerance Actions [EPA-HQ-OPPT-2011-0507; FRL-9353-7] (RIN: 2070-ZA16) received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7013. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methoxyfenozide; Pesticide Tolerances [EPA-HQ-OPP-2011-0343; FRL-9354-1] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7014. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentrazone; Pesticide Tolerances [EPA-HQ-OPP-2011-0758; FRL-9353-8] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7015. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Norton A. Schwartz, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

7016. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Bureau's report on Reverse Mortgages; to the Committee on Financial Services.

7017. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Chemical Reporting: Revisions to the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II) [EPA-HQ-SFUND-2010-0763; FRL-9674-1] (RIN: 2050-AG64) received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7018. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits [EPA-HQ-OAR-2009-0517; FRL-9690-1] (RIN: 2060-AR10) received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7019. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard [EPA-R03-OAR-2012-0208; FRL-9697-9] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7020. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nonattainment New Source Review; Fine Particulate Matter ($PM_{2.5}$) [EPA-R03-OAR-2011-0924; FRL-9698-2] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7021. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; Gila River Indian Community [EPA-R09-OAR-2012-0286; FRL-9698-7] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7022. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Louisiana: Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program [EPA-R06-2012-0411; FRL-9694-7] received June 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7023. A letter from the Under Secretary, Department of Commerce, transmitting a report on the removal of United Nations arms embargo provisions against Rwanda; to the Committee on Foreign Affairs.

7024. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-35, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7025. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-46, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

7026. A letter from the Under Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Lebanon that was declared in Executive Order 13441 of August 1, 2007; to the Committee on Foreign Affairs.

7027. A letter from the Chief Human Capital Officer, Equal Employment Opportunity Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

7028. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting the 2011 Statements on System of Internal Controls of the Federal Home Loan Bank of Topeka, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

7029. A letter from the President, National Council on Radiation Protection and Measurements, transmitting the 2011 Annual Report of an independent auditor who has audited the records of the National Council on Radiation Protection and Measurements, pursuant to 36 U.S.C. 4514; to the Committee on the Judiciary.

7030. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a semi-annual report to Congress on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on July 19, 2012 the following report was filed on July 20, 2012]

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 4078. A bill to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent; with amendments (Rept. 112–461 Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

[Submitted July 20, 2012]

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 6082. A bill to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes; with an amendment (Rept. 112–615). Referred to the Committee of the Whole House.

[Submitted July 23, 2012]

Ms. FOXX: Committee on Rules. House Resolution 738. Resolution providing for consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, and providing for consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States and for other purposes (Rept. 112–616) Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. TERRY (for himself, Mr. UPTON, Mr. WHITFIELD, Mr. SCALISE, Mr. MURPHY of Pennsylvania, Mr. SULLIVAN, Mr. POMPEO, Mr. BARTON of Texas, Mr. OLSON, Mr. CONAWAY, Mr. SHUSTER, Mr. WESTMORELAND, Mr. BOUSTANY, Mr. STIVERS, Mr. BROOKS, Mr. BERG, Mr. ROKITA, Mr. HARPER, Mr. BURGESS, Mr. KINZINGER of Illinois, Mr. KING of New York, Mr. REHBERG, Mr. LONG, Mr. CANSECO, Mr. MULVANEY, Mr. BILBRAY, Mr. GUTHRIE, Mr. HUIZENGA of Michigan, Mr. CASSIDY, Mr. GARDNER, Mr. PEARCE, Mr. LANKFORD, Mr. POE of Texas, Mr. SENSENBRENNER, Mr. SHIMKUS, Mr. JOHNSON of Ohio, Mr. MATHESON, Mrs. MCMORRIS RODGERS, Mr. WALDEN, Mr. SIMPSON, Mr. GRIFFIN of Arkansas, Mr. HARRIS, Mrs. BLACKBURN, Mr. COBLE, Mrs. CAPITO, Mr. FLORES, Mr. GRAVES of Missouri, and Mr. GRIFFITH of Virginia):

H.R. 6164. A bill to approve the construction, operation, and maintenance of the northern portion of the Keystone XL pipeline from the Canadian border to the South Dakota/Nebraska border; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, 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. GOSAR (for himself, Mr. SCHWEIKERT, Mr. FLAKE, Mr. QUAYLE, and Mr. FRANKS of Arizona):

H.R. 6165. A bill to amend the Internal Revenue Code of 1986 to require certain nonresident aliens to provide valid immigration documents to claim the refundable portion of the child tax credit; to the Committee on Ways and Means.

By Mrs. DAVIS of California (for herself, Ms. ZOE LOFGREN of California, Mr. THOMPSON of California, Mr. CARDOZA, Ms. MATSUI, Ms. RICHARDSON, Ms. HAHN, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. FARR, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. BASS of California, Mr. BERMAN, Ms. LEE of California, Ms. CHU, Mr. GARAMENDI, Mrs. CAPPS, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. SCHIFF, Ms. PELOSI, Mr. WAXMAN, Mr. MCNERNEY, Ms. SPEIER, Ms. LINDA T. SÁNCHEZ of California, Mr. SHERMAN, Mr. HONDA, Mr. FILNER, Mr. BECERRA, Mr. BACA, and Mr. STARK):

H.R. 6166. A bill to designate the United States courthouse located at 333 West Broadway Street in San Diego, California, as the ''James M. Carter and Judith N. Keep United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. KING of Iowa, and Mr. LATHAM):

H.R. 6167. A bill to extend supplemental agricultural disaster assistance programs; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, 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.

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. TERRY:

H.R. 6164.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause: Article 1, Section 8, Clause 3

By Mr. GOSAR:

H.R. 6165.

Congress has the power to enact this legislation pursuant to the following:

Because this legislation affects the process to adjust income tax liability, it is constitutionally authorized by Article I, Section 8, Clause 1 which gives Congress the power to lay and collect taxes—as well as the Sixteenth Amendment to the Constitution which specifically gives Congress the power to lay and collect taxes on incomes.

By Mrs. DAVIS of California:

H.R. 6166.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. LOEBSACK:

H.R. 6167.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article 1, Section 8, Clause 3.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 157: Mr. KINZINGER of Illinois.
H.R. 265: Mr. JOHNSON of Georgia.
H.R. 288: Ms. SCHAKOWSKY.
H.R. 572: Mr. LARSEN of Washington.
H.R. 602: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. KILDEE.
H.R. 603: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. KILDEE.
H.R. 604: Mr. VAN HOLLEN, Mr. MCGOVERN, and Mr. KILDEE.
H.R. 640: Mr. LYNCH.
H.R. 719: Mr. MURPHY of Connecticut.
H.R. 860: Mr. PEARCE, Mr. THOMPSON of Mississippi, and Mr. WAXMAN.
H.R. 890: Mr. MCINTYRE.
H.R. 891: Mr. PLATTS and Mr. HINOJOSA.
H.R. 997: Mr. BILIRAKIS.
H.R. 1063: Mr. DAVIS of Kentucky and Mr. SESSIONS.
H.R. 1111: Mr. GRIFFIN of Arkansas.
H.R. 1195: Mr. WALZ of Minnesota.
H.R. 1244: Mr. HONDA.
H.R. 1370: Mr. DUNCAN of South Carolina.
H.R. 1381: Mr. ALTMIRE and Mr. CAPUANO.
H.R. 1397: Mr. CARNEY.
H.R. 1474: Mr. HANNA.
H.R. 1489: Mr. SABLAN and Mr. HOLDEN.
H.R. 1543: Mr. HEINRICH.
H.R. 1546: Mr. WILSON of South Carolina, Ms. BERKLEY, and Ms. DELAURO.
H.R. 1549: Mr. KINGSTON.
H.R. 1621: Mr. GOHMERT and Mr. HUNTER.
H.R. 1635: Mr. GRIMM.
H.R. 1653: Mr. MORAN and Mr. RICHMOND.
H.R. 1775: Mr. HARRIS, Mr. LIPINSKI, Mr. CICILLINE, Mr. PETERSON, and Ms. DELAURO.
H.R. 1956: Mr. SCALISE.
H.R. 1971: Mr. WESTMORELAND.
H.R. 2030: Mr. LEVIN.
H.R. 2052: Ms. BORDALLO.
H.R. 2069: Mr. RANGEL and Mr. FITZPATRICK.
H.R. 2094: Mr. POLLS.
H.R. 2140: Ms. SUTTON.
H.R. 2194: Mr. MCGOVERN.
H.R. 2245: Mr. BILIRAKIS.
H.R. 2284: Mr. MCCAUL.
H.R. 2437: Mr. CLAY.
H.R. 2492: Ms. BONAMICI.
H.R. 2637: Ms. RICHARDSON.
H.R. 2689: Mr. CLAY.
H.R. 2695: Ms. SPEIER, Mr. CAPUANO, Mr. BACHUS, Mr. TONKO, and Mr. RIVERA.
H.R. 2696: Ms. SPEIER, Mr. BACHUS, Mr. TONKO, Mr. RIVERA, Mr. ALTMIRE, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2721: Mr. QUIGLEY.
H.R. 2730: Mr. GRIJALVA.
H.R. 2925: Mrs. MYRICK.
H.R. 2960: Mr. BILIRAKIS.
H.R. 2982: Mr. DANIEL E. LUNGREN of California.
H.R. 3091: Mr. SCALISE and Mrs. NOEM.
H.R. 3130: Mr. FINCHER.
H.R. 3252: Mr. GIBSON and Mr. WALDEN.
H.R. 3269: Ms. HERRERA BEUTLER.
H.R. 3307: Mr. KISSELL.
H.R. 3352: Ms. LINDA T. SÁNCHEZ of California and Mr. LIPINSKI.
H.R. 3423: Mr. HANNA, Mr. RUNYAN, Mr. BISHOP of Georgia, Mr. COLE, Ms. CASTOR of Florida, Mr. RIVERA, and Mr. CHABOT.
H.R. 3506: Mr. STEARNS.
H.R. 3510: Mr. MILLER of North Carolina and Mrs. NAPOLITANO.

H.R. 3553: Ms. EDWARDS and Mr. WELCH.
H.R. 3612: Mr. GEORGE MILLER of California.
H.R. 3627: Ms. CASTOR of Florida, Mr. COBLE, and Mr. COURTNEY.
H.R. 3769: Mr. MEEKS and Mr. FRANK of Massachusetts.
H.R. 3798: Mr. TOWNS, Mr. DANIEL E. LUNGREN of California, and Ms. CLARKE of New York.
H.R. 3803: Mr. GRIFFITH of Virginia, Mr. WEBSTER, Mr. MACK, Mr. FITZPATRICK, and Mr. HASTINGS of Washington.
H.R. 3816: Mr. BRALEY of Iowa.
H.R. 3861: Mr. DINGELL.
H.R. 4037: Mrs. CHRISTENSEN.
H.R. 4115: Mr. LIPINSKI.
H.R. 4122: Mr. HIMES.
H.R. 4215: Mr. MARINO.
H.R. 4235: Mr. HINOJOSA.
H.R. 5284: Mr. DAVIS of Kentucky.
H.R. 5542: Mr. BOSWELL.
H.R. 5630: Mr. BUCHANAN.
H.R. 5638: Ms. SPEIER.
H.R. 5646: Mr. FINCHER.
H.R. 5647: Mr. PASTOR of Arizona.
H.R. 5684: Ms. TSONGAS.
H.R. 5708: Mr. LONG and Mr. BUCHANAN.
H.R. 5710: Mr. HARRIS and Mr. LOEBSACK.
H.R. 5846: Mr. WESTMORELAND.
H.R. 5959: Ms. PINGREE of Maine.
H.R. 5978: Mr. SCHIFF and Ms. BONAMICI.
H.R. 5998: Mr. BACA.
H.R. 6025: Mr. FRANKS of Arizona, Mr. CARTER, and Mr. CRAVAACK.
H.R. 6035: Ms. BASS of California.
H.R. 6075: Mr. FLAKE.
H.R. 6107: Ms. MATSUI, Mr. BOSWELL, Mr. BUTTERFIELD, and Ms. NORTON.
H.R. 6112: Mr. LANKFORD.
H.R. 6120: Mr. CROWLEY.
H.R. 6132: Mr. STARK.
H.R. 6139: Mr. SESSIONS.
H.R. 6140: Mr. HARRIS, Mr. COFFMAN of Colorado, Mr. KINGSTON, Mr. GOSAR, and Mr. JONES.
H. R. 6147: Mr. PENCE and Mrs. MYRICK.
H. R. 6150: Mr. HANNA.
H. R. 6152: Mr. DINGELL.
H. R. 6155: Mr. RUSH.
H. R. 6161: Mr. GARRETT.
H. Res. 47: Mr. CUMMINGS and Ms. BROWN of Florida.
H. Res. 110: Mr. GALLEGLY and Mr. ROSKAM.
H. Con. Res. 116: Mr. SENSENBRENNER.
H. Con. Res. 129: Ms. HIRONO.
H. Res. 651: Mr. STARK.
H. Res. 682: Ms. BORDALLO, Mr. TOWNS, Mr. CLAY, Mr. MORAN, and Mr. LEWIS of Georgia.
H. Res. 687: Mr. ELLISON.
H. Res. 722: Mr. MEEHAN.
H. Res. 725: Ms. SEWELL, Ms. MCCOLLUM, and Mr. RANGEL.
H. Res. 727: Mr. POLIS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4078

OFFERED BY: MR. MANZULLO

AMENDMENT NO 1:

Add at the end of the bill the following:

TITLE VIII—ENSURING HIGH STANDARDS FOR AGENCY USE OF SCIENTIFIC INFORMATION

SEC. 801. REQUIREMENT FOR FINAL GUIDELINES.

(a) IN GENERAL.—Not later than January 1, 2013, each Federal agency shall have in effect guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by such agency.

(b) CONTENT OF GUIDELINES.—The guidelines described in subsection (a), with respect to a Federal agency, shall ensure that—

(1) when scientific information is considered by the agency in policy decisions—

(A) the information is subject to well-established scientific processes, including peer review where appropriate;

(B) the agency appropriately applies the scientific information to the policy decision;

(C) except for information that is protected from disclosure by law or administrative practice, the agency makes available to the public the scientific information considered by the agency;

(D) the agency gives greatest weight to information that is based on experimental, empirical, quantifiable, and reproducible data that is developed in accordance with well-established scientific processes; and

(E) with respect to any proposed rule issued by the agency, such agency follows procedures that include, to the extent feasible and permitted by law, an opportunity for public comment on all relevant scientific findings;

(2) the agency has procedures in place to make policy decisions only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the decision; and

(3) the agency has in place procedures to identify and address instances in which the integrity of scientific information considered by the agency may have been compromised, including instances in which such information may have been the product of a scientific process that was compromised.

(c) APPROVAL NEEDED FOR POLICY DECISIONS TO TAKE EFFECT.—No policy decision issued after January 1, 2013, by an agency subject to this section may take effect prior to such date that the agency has in effect guidelines under subsection (a) that have been approved by the Director of the Office of Science and Technology Policy.

(d) POLICY DECISIONS NOT IN COMPLIANCE.—A policy decision of an agency that does not comply with guidelines approved under subsection (c) shall be deemed to be arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.

(e) DEFINITIONS.—For purposes of this section:

(1) AGENCY.—The term ''agency'' has the meaning given such term in section 551(1) of title 5, United States Code.

(2) POLICY DECISION.—The term ''policy decision'' means, with respect to an agency, an agency action as defined in section 551(13) of title 5, United States Code, (other than an adjudication, as defined in section 551(7) of such title), and includes—

(A) the listing, labeling, or other identification of a substance, product, or activity as hazardous or creating risk to human health, safety, or the environment; and

(B) agency guidance.

(3) AGENCY GUIDANCE.—The term ''agency guidance'' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory, or technical issue or on an interpretation of a statutory or regulatory issue.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, MONDAY, JULY 23, 2012 No. 110

Senate

The Senate met at 2 p.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.

Eternal Savior, our help in ages past, take our lawmakers to a safe refuge, for You are their strong defense. Let them find safety under Your wings, as You protect them with Your constant love and faithfulness. Today, refresh our Senators with Your spirit, quicken their thinking, reinforce their judgment, and strengthen their resolve to follow You. Show them what needs to be changed and give them the courage and wisdom to make the changes.

Lord, we conclude this prayer by asking You to embrace with Your arms of mercy the victims and the families affected by the tragic shooting in Aurora, CO. We pray in Your holy 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. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 23, 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. INOUYE,
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.

MIDDLE CLASS TAX CUT ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 467.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

MOMENT OF SILENCE

Mr. REID. Mr. President, I ask unanimous consent that the Senate now observe a moment of silence for the victims of the shooting in Colorado.

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

(Moment of Silence.)

AURORA, COLORADO SHOOTINGS

Mr. REID. Mr. President, this afternoon the Senate pauses to remember those killed in last week's horrific shooting in Colorado.

Among the dead was 26-year-old Jonathan Blunk—a graduate of Hug High School in Reno, NV, a Navy veteran and father of two. My heart goes out to his loved ones and to all the victims and their families as they struggle to make sense of the senseless. How can you make sense of something that is so senseless? We may never know the motivations behind this terrible crime or understand why anyone would target so many innocent people.

Friday's events were a reminder that nothing in this world is certain and that life is precious and short. Today we pause to mourn the dead but also to honor how they lived. We pledge our support to the people of Aurora, CO, both as they grieve and as they begin to heal from this terrible tragedy.

RECOGNITION OF THE MINORITY LEADER

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

AURORA, COLORADO SHOOTINGS

Mr. MCCONNELL. Mr. President, we have all been sifting through the events of last Friday, and I think it is entirely appropriate for the Senate to take a moment today to acknowledge, as we just did, the victims of this nightmarish rampage, their families, and the wider community of Aurora.

In the life of a nation, some events are just so terrible they compel all of us to set aside our normal routines and preoccupations, step back, reflect on our own motivations and priorities, and think about the kind of lives we all aspire to live. This is certainly one of those times.

As is almost always the case in moments such as this, the horror has been tempered somewhat by the acts of heroism and self-sacrifice that took place in the midst of the violence. I read one report that said three different young men sacrificed their own lives in protecting the young women they were with. We know the first responders and nurses and doctors saved lives too, including the life of an unborn child.

I think all of us were moved over the weekend by the stories we have heard about the victims themselves. It is hard not to be struck by how young most of them were, of how many dreams were extinguished so quickly and mercilessly, but we were also moved by the outpouring of compassion that followed and by the refusal of the people of Aurora to allow the monster who committed this crime to

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

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eclipse the memory of the people he killed.

President Obama, Governor Hickenlooper, and the religious leaders in and around Aurora are to be commended for the time and effort they have put into consoling the families of the victims and the broader community. I think the best thing the rest of us can do right now is to show our respect for those who have been affected by this terrible and senseless crime and to continue to pray for the injured, that they recover fully from their injuries.

There are few things more common in America than going out to a movie with friends, which is why the first response most of us had to the shootings in Aurora was to think: It could have been any of us. It is the randomness of a crime such as this that makes it impossible to understand and so hard to accept. But as the Scripture says, ''The rain falls on the just and the unjust.''

So we accept that some things we just can't explain. Evil is one of them. We take comfort in the fact that while tragedy and loss persist, so does the goodness and generosity of so many.

Now I would like to join Governor Hickenlooper in honoring the victims by reciting their names:

Veronica Moser-Sullivan, Gordon Cowden, Matthew McQuinn, Alex Sullivan, Micayla Medek, John Larimer, Jesse Childress, Alexander Boik, Jonathan Blunk, Rebecca Ann Wingo, Alexander Teves, Jessica Ghawi.

We too will remember.

RESERVATION OF LEADER TIME

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

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

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

The legislative clerk proceeded to call the roll.

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

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

DEFENSE AUTHORIZATION

Mr. McCAIN. Mr. President, I rise to once again urge the majority leader of the Senate to bring to the floor for debate one of the most important pieces of legislation that comes before this body each year; that is, the national defense authorization bill.

On several occasions I have approached the majority leader and asked him to consider this legislation which, for the last 50 years, this body has taken up, debated, amended, passed, conferenced with the House of Representatives, and sent to the President for the President's signature.

Last week, the majority leader, the Senator from Nevada, stated that Senate consideration of a controversial and flawed bill on cybersecurity—a bill that has not been considered in the regular order—is more important and of a higher national security priority than the Defense authorization bill. I respectfully but vehemently disagree with that statement.

According to the majority leader, ''We're going to have to get to cybersecurity before we get to the defense authorization bill because on the relative merits, cybersecurity is more important.''

Let me repeat this. The majority leader of the Senate is arguing that legislation dealing with cybersecurity—which is a subset of national security, of national defense—is more important than legislation responsible for ensuring that the men and women of the Armed Forces have the resources and authorities necessary to ensure our national security—a bizarre statement.

I have been involved in national security issues for a long time. I have been involved with the bills concerning national defense, and I have never heard a statement that cybersecurity is more important than the overall security of this country. That either was the majority leader misspeaking or the majority leader having a lack of understanding of what national security is all about.

He is arguing that a controversial and flawed bill on cybersecurity—a bill of such ''significance'' that it has languished for over 5 months at the Homeland Security and Governmental Affairs Committee, with no committee markup or normal committee process, no amendments—should take precedence over a bill which was vetted for over a period of 4 months by the Senate Armed Services Committee and reported to the floor with the unanimous support of all 26 members, which certainly would not have been the case if there had been a vote on cybersecurity legislation as it is presently proposed, because I am a member of that committee and I and others certainly would never have supported this legislation and at least we should have been allowed the amendment process. But that is not the case with ''cybersecurity.''

Also, I might add, I understand we will have to have a motion to proceed, which then will drag us into next week, when we could—I emphasize could—finish the Defense authorization bill in 1 week and at most 2.

I remind my colleagues that consideration of the Defense authorization bill is more than a simple right of this body. It is an obligation to our national defense and a fulfillment of our responsibility to the men and women in uniform that the Senate has honored over the past 50 consecutive years.

I would say to my colleagues, today I went out to Bethesda Walter Reed to visit with our wounded. It is always an uplifting and always an incredible experience for me to make that visit. Cannot we—cannot we—as a body, for the sake of those men and women whose lives are on the line, pass a defense authorization bill that is responsible for their security, their training, their weapons, their equipment, their morale, their welfare? Cannot we pass a defense authorization bill through this body? Are we so parochial? Is the Senate majority leader oblivious to the needs of the men and women who are serving this Nation? They deserve better than what they are getting from the leadership of this Senate.

The Senate Armed Services Committee version of the fiscal year 2013 National Defense Authorization Act provides $525 billion for the base budget of the Defense Department, $88 billion for operations in Afghanistan and around the world, and $17.8 billion to maintain our nuclear deterrent.

In the area of pay and compensation, the bill authorizes $135 billion for military personnel, including costs of pay, allowances, bonuses, and a 1.7-percent across-the-board pay raise for all members of the uniformed services, consistent with the President's request. The bill improves the quality of life of the men and women in the Active and Reserve components of the all-volunteer force. It helps to address the needs of the wounded servicemembers and their families. It also authorizes important military construction and family housing projects that cannot proceed without specific authorization.

All major weapons systems are authorized in this legislation, including those that will benefit by the committee's continuous rigorous oversight of poorly performing programs. Every piece of equipment—large or small—that the Department of Defense needs to develop or procure is authorized in that legislation.

With the planned reductions in Afghanistan, the importance of providing for our deployed troops while training and transitioning responsibilities to the Afghan forces has never been more important. The bill provides our service men and women with the resources, training, equipment, and authorities they need to succeed in combat and stability operations. It also enhances the capability of U.S. forces to support the Afghan National Security Forces and Afghan local police as they assume responsibility for security throughout Afghanistan by the year 2014.

The bill contains important initiatives intended to ensure proper stewardship by the department of taxpayer dollars by, among other things, codifying the 2014 goal for it to achieve an auditable statement of budgetary resources, strictly limiting the use of cost-type contracts for the production of major weapons systems, requiring the Department of Defense to review its existing profit guidelines and revise them as necessary to ensure an appropriate link between contractor profits and contractor performance, enhancing protections for contractor employee whistleblowers, and restricting the use of abusive ''passthrough'' contracts.

Another vitally important provision in the bill repeals provisions of last year's National Defense Authorization Act that threaten to upset the delicate balance between the public sector and

the private sector in the maintenance and repair of military systems, and the bill addresses many other important national security policy issues.

With respect to cybersecurity, I am in full agreement that the threat we face in the cyber domain is among the most significant and challenging threats of 21st century warfare. This threat was made even more evident by the recent leaks about Stuxnet coming from this administration. That is why the Defense authorization bill takes great steps to improve our capabilities by consolidating defense networks to improve security and management and allow critical personnel to be reassigned in support of offensive cyber missions which are presently understaffed. It also provides policy guidance to the Department of Defense to address the clear need for retaliatory capabilities to serve both as a deterrence to and to respond in the event of a cyber attack.

Based on the procedures the Senate has been following over the past few years—with little or no opportunity for debate and amendments—the majority leader apparently intends to rush through the Senate a flawed piece of legislation. The cybersecurity bill he intends to call up later this week is greatly in need of improvement, both in the area of information sharing among all Federal agencies and the appropriate approach to ensuring critical infrastructure protection.

Without significant amendment, the current bill the majority leader intends to push through the Senate has zero chance of passing the House of Representatives or ever being signed into law; whereas, the Defense authorization bill, if we would take it up and pass it, clearly, we would have a successful conference with the House, and we would send it—after voting on the conferenced bill—to the President for his signature. There is no chance the cybersecurity bill the majority leader wants to bring to the floor will have a chance of passage in the House of Representatives.

So here is the choice: take up the Defense authorization bill, which has important cybersecurity provisions in it and provides for the overall defense of the Nation, or take up a flawed bill that never went through the committee, was never amended, take it to the floor, use up 1 week while we go through the motion to proceed, and then maybe pass it, maybe not, and not have it even considered by the other body during the month of September, which is the last we will be in session before the election.

For the life of me, I do not understand why the majority leader of the Senate should have so little regard for the needs of the men and women who are serving in the military today, and I hope he will understand better the needs to defend this Nation, as we are still involved in conflict in Afghanistan, we face a major crisis with Iran over their continued development of nuclear weapons—we just saw the Iranian ability to commit acts of terror all over the world, the latest being in Bulgaria—the fact that Syria is now coming apart and in danger of—because of this administration's failure to lead—that there can be chemical weapons not only spread around Syria but also in other places as well. There is a danger of chemical weapons that are presently under Bashar Assad's control flowing to Hezbollah, presenting a grave threat to the security of Israel.

All these things are happening in the world without this body acting on the most important piece of legislation as far as our national security is concerned, and the majority leader of the Senate apparently has decided not to bring it up and wants to bring up cybersecurity instead. It is a grave injustice—a grave injustice—to the men and women who are serving this Nation and sacrificing so much.

I hope the majority leader of the Senate, who by right of his position and in the majority decides the agenda for the Senate, will change his mind and bring up the Defense authorization bill, which I assure him we can have passed by this body, as always, in a near unanimous vote, if not totally unanimous vote, for the benefit of the security of this Nation.

I yield the floor.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

CLASS WARFARE

Mr. KYL. Mr. President, I wanted to say a few words today about the current debate over ''class,'' a term that has been ubiquitous in this election year. Its usage in political rhetoric is, I believe, misguided and wrong and even dangerous. Most prominently, we have a President who talks incessantly about class, particularly the middle class. Maybe you have noticed that.

He defines class strictly by your income. In the President's narrative, someone who makes $199,000 a year is a member of one class, and someone who makes $200,000 belongs to another class. Does that make sense? Indeed, each day the President is out on the campaign trial championing himself as the great protector of what he calls the middle class, and pitting those Americans against their fellow citizens by arguing that the wealthiest class is victimizing them through the Tax Code.

If wealthy people are not made to pay more, he argues, the middle class will be stuck in their current stations. What one class wins, he implies, the other class loses. In this, I believe he is wrong. Moreover, I believe such a formulation is contrary to four centuries of American history.

First, I think ''class'' is a loaded term that is not appropriate for our debates about income, mobility, and tax policy. Implying there is a rigid class structure in America suggests some people were born innately superior to others, and that where you were born is where you stay.

That is not what we believe in America. A true class-based society is one in which one ruling class employs another class that labors but cannot own property or move out of their class.

This is not who we are in America. We do not have an ingrained class system. There are no noble bloodlines. We do not have an aristocracy or commoners or people who are legally unable to own land, for example, because of their class. Spreading economic resentment weakens American values and ideals, and it ignores the uniquely meritocratic basis of our society where you can succeed if you work hard, and you can do well.

Generations arrived here in America to get away from class societies in Europe. They believed in that meritocracy. They wanted the opportunity to make it in the land of self-government and equal rights and opportunity, to work and compete and to build something of their own, something they could perhaps one day pass on to their children.

In America we believe everyone can achieve the American dream regardless of background. And how many rags-to-riches stories are there out there? There are countless. How many from one generation to the next, and by the third generation you had an incredibly more successful generation than the first. Think of all the people who had a big dream and built something or made something that changed lives; maybe a company that employs a lot of people or a product that makes life easier or maybe even just more fun. We have different talents to offer and different ideas of success and what we want to do with our lives, and that is all part of the American story.

As columnist Robert Samuelson noted recently, four modern-day Presidents—Obama, Clinton, Johnson, and Eisenhower—all came from very modest backgrounds. So we don't need the current President touring the country and defining every American's values and status based upon a class system he has made up.

If we want to talk about income and mobility, which is the basis of the class debate, let's do that. And that leads to my second point. Income in America is fluid; that is, there is ample evidence that people can and do move among income groups. Our economists study this. They divide our country into quintiles and they talk about how people move from one quintile into another quintile, and they do this throughout their life. You know, younger people start in the lower quintiles and as they get education and get work and then get improved work and more experience, they move into higher quintiles.

Take one statistic here. The Tax Foundation found from 1997 to 2007—the 10-year period they studied—only 50 percent of the taxpayers who reached millionaire status did so more than one time. In other words, high income status is often the result of 1 or 2 years of financial success, frequently based on the sale of an asset or some other temporary event.

Here is another notable factoid: A Kauffman Foundation survey of more than 500 successful entrepreneurs found that 93 percent came from middle-income or lower income backgrounds. The survey notes that entrepreneurship did not run in the family for these people. Quoting from the survey:

The majority were the first in their families to launch a business.

A Treasury Department study on income and mobility in America found during the 10-year period starting in 1996, roughly half of the taxpayers who started in the bottom 20 percent had moved up to a higher income group by 2005. Similarly, people in the top income group dropped to lower groups, thus making way for others to move up. The point is there is no such thing as a permanent middle class or any other class in America.

There are other measures of income mobility. As columnist Robert Samuelson noted, one litmus test for mobility in America is whether people rise above their parents economically, and this happens frequently. Citing a new report from the Pew Mobility Project, he notes that 84 percent of Americans exceed their parents' income at a similar stage in life. Income gains were ''sizable across the economic spectrum,'' he writes. Indeed, in the bottom fifth of income earners, median income grew by 74 percent over just this decade.

While income mobility has slowed during this economic downturn, the overarching point is that nobody in America is stuck where they are because of a ruling class of greedy wealthy people.

Here is my third point: To borrow a phrase from Congressman PAUL RYAN, the real class threat is a class of bureaucrats and crony capitalists using their government connections to try to rig the rules and rise above everyone else.

One example is ObamaCare. Recently released documents show that industry lobbyists and Democrats worked very closely in drafting ObamaCare. After it became law, the Department of Health and Human Services granted approximately 1,700 temporary waivers from the new annual limit requirements of the law. When the Federal Government is handing out lucrative favors, it is easy to predict what will happen. Companies hire armies of lobbyists and politically connected organizations—in this case, primarily, labor unions—will get special treatment. And that is exactly what happened here.

It is not just ObamaCare. Cap-and-trade would have enriched politically connected energy firms. Even without cap-and-trade, many of Obama's political supporters have reaped huge benefits from the administration's green energy industrial policy. The Solyndra scandal demonstrates what can happen when government tramples free markets in a misguided attempt to pick economic winners and losers.

As University of Chicago economist Luigi Zingales reminds us in his new book, ''A Capitalism for the People,'' being ''probusiness'' is not the same as being ''promarket.'' All too often, the Obama administration has embraced spending policies and regulations that favor certain businesses but are fundamentally antimarket. If a Federal policy is probusiness but antimarket, it is most likely an example of crony capitalism.

The irony here is remarkable. Even though President Obama tours the country advertising himself as the defender of the little guy and a guardian of the middle class, he has consistently embraced policies that promote crony capitalism.

That is not the type of capitalism that made this country so prosperous, and it is not the type of capitalism the American people support. Citizens across this country are eager for policies that promote free markets and equal opportunities for all businesses, all industries, all entrepreneurs, all people. Those are the principles upon which our country was founded. Americans firmly reject the idea that certain companies and industries should receive preferential treatment for political or ideological reasons. Centuries of evidence from around the world demonstrates crony capitalism leads to corruption, a decline of social trust, and economic stagnation. That is certainly not the future Americans want.

Instead of policies that favor politically connected entities and take even more money from successful Americans, let's clear the way for more opportunity and mobility in a true free market system. Higher taxes and more government are not the answers. We should not make it more difficult for Americans to get ahead.

We should certainly not believe Americans are to be distinguished by their income in any given year or be presumed to have different values or value because of that. To say America has a middle class presumes we have a lower class or an upper class. Think about it. You can't have a middle without something on either side. Is it true we have a lower class and a middle class and an upper class? Some Americans are better off financially than others. That is certainly true. But that is no basis for dividing us into arbitrary classes to favor one over another.

My guess is that all this talk about class, while it has a tendency to divide Americans, is more about trying to identify with the common man, and that is something all politicians try to do. ''I am just like you. I am just like the average guy.'' Abraham Lincoln talked about identifying with the common man. He said he thought God made a lot of them, and I think that is true. Most people in this country like to think of themselves as basic, common citizens, and they do not particularly like somebody identifying them as a class in order to suggest they are better or worse than somebody else.

That is why I think, even though this divides America, the discussion about class is probably simply an effort to say ''I am for you.'' And some politicians don't like to say ''I am for everybody'' because that would imply they are for people who are very successful. Well, why shouldn't we be for people who are very successful? They are probably people who have accumulated wealth because of something they have accomplished in life—usually by studying hard, working hard, sometimes by creating some special kind of product.

Take Bill Gates or Steve Jobs. They were smart people who created something people wanted and were willing to buy, and they got very wealthy because of that. Is that bad? Bill Gates has created a foundation, and he and his wife have contributed more to charity than probably any other thousand people you can name. That is a good thing. They have created more jobs than many other people in this country have. They have created products that have enabled us to lead much better lives. The same thing is true of Steve Jobs and thousands and thousands of other entrepreneurs. So there is nothing wrong with being successful, being rewarded for that, because most likely it has given many other people an opportunity.

There was a recent editorial in the Wall Street Journal that talked about the Chicago Bulls and Michael Jordan. The article noted they weren't a very impressive team before Michael Jordan came and the team wasn't making very much money and neither were any of the players. When Michael Jordan came, after he established how great he would be, he was given an enormous, almost unheard-of salary. Did the other players say: That is not fair? No. Actually, all the other players got big salary increases too—nothing like Michael Jordan, but they got huge salary increases. Why? Because he made the team better and it began to succeed and, eventually—you all know the story—the world championships, the whole franchise did well—the people selling popcorn in the stands, the people parking the cars, and certainly every one of the members of the team made much more money than they ever would have had Michael Jordan not come to the team. But Michael Jordan still made many times more than any of them did.

This is a point President John Kennedy made when he talked about reducing the tax rates in the country on business—on capital gains—so that businesses could create more wealth so they could do what? They could grow and hire more people. He said a rising

tide lifts all boats. If the economy is doing well, if we have wealthy people who are doing well, we have less wealthy who will also do better.

That is what America has always been about. We don't take it away from the person who makes a lot of money. Maybe it is because they are lucky with a God-given talent they have or their good looks and their acting ability. Whatever it is, those people generally participate in activities that create wealth for others as well. They also create products or services or even entertainment we enjoy. So Americans don't look askance at these people. We celebrate them. We are happy for their success. Frequently it helps us too, besides which they pay a lot of taxes.

Likewise, for those people who are less fortunate, I don't know of any politician who wants to talk about the lower class. That almost is a pejorative term. It is as though these are lesser people. Well, the reality is maybe it is somebody down on his or her luck. Maybe it is somebody just starting out so they are not making as much money as somebody who has been in business a lot longer. Maybe it is a student, for example, or somebody who suffered misfortune, somebody who doesn't have a good education, or maybe a recent immigrant to the country. There is nothing lesser about those people. We are all Americans. They may be in a lower income group, at least temporarily, but there is no reason to distinguish between the people in that income group and however the President defines the middle class.

Why is the middle class more deserving or special than people who don't make as much money as those in the middle class? The point is, people are deserving all up and down the economic ladder. It isn't just about money, anyway. The person who makes an average income—who provides for his family, provides them a good home, good tutelage as a parent, strong values, maybe sends them off to college and helps them to prepare for their life as a productive citizen—is just as important as the wealthy person in this country. A teacher may not make much money but influences the lives of thousands of young people to be better citizens in this country—more educated—and that influence goes far beyond the salary the individual teacher makes. So you can't judge value by how much money someone makes, and you certainly can't identify with one class and say: That is the class I am for.

The President, in particular, represents all Americans. He should be for all Americans. And I don't think there is anything called middle class values that are different from the values of other people in this country. Tell me what is different about the values of someone who the President identifies as middle class? Does that mean middle income? If so, what income and what year? Because a person will be in a lower income group one year, in a middle income group the next year, and maybe 10 years later in a higher income group. Has that individual's values changed? No. Americans are Americans, and it doesn't matter how much money we make in a given year. What matters is that as a country we have found a degree of success that others can only dream of because we create opportunity for everyone to succeed, and we teach that to our kids.

I think it is destructive for the leader of the country, the President, to be suggesting something else—that you should consider what class you are in in this country: If you are middle class, that is great, I am for you. Well, what about the other classes, and what about the person who is middle class today under the President's definition but wasn't yesterday and might not be tomorrow?

I just think the whole discussion of class is wrong. It is not what we do here in America. You can divide people for statistical purposes into income levels, into wealth levels, into levels of education. We divide ourselves for statistical reasons into all kinds of categories, but at the end of the day, we don't suggest that one group has different values than the other or that one is better than the other one. And I think that is the pernicious effect of the President's rhetoric—constantly talking about the middle class. I don't even know if I am in that group or not. Am I in the middle class? I make less money than the President suggests identifies the wealthy, that is for sure, but I don't think my values are any different or any better than those who make less money or more money than I do. In my view, money isn't even the measure of what this should be all about anyway.

I hope that as the campaign goes on, maybe we can focus a little bit more on what unites us rather than what divides us, on the values that I think we all subscribe to, and on the things that would make us a better country not just in economic terms but in other terms as well. And if we are focused on economic terms, then let's focus on those that will make us better off economically: a better education, a better home environment, strong communities, a government that is willing to help when that is necessary, and certainly governmental policies that reward what? That reward education; that reward hard work; that reward savings and investment; that reward entrepreneurship, people working to create something, to create a business; that reward job creation so that you don't have a law like ObamaCare that says: You are OK if you have 49 employees, but as soon as you have 50 employees, then here are a whole bunch of expensive burdens you are going to have to take on—tax burdens, penalties, and regulations. That is not something that favors building a business beyond 49 employees. It doesn't favor job creation beyond 49 employees. These are the kinds of issues we should be debating. What will make our country better both in economic terms and in all of the other terms that define us as a society?

I hope that as the campaign goes on, we will focus a lot more on what we hold in common, that we share, and that we can do better with, rather than those that divide us and especially that divide us in political terms.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

AURORA, COLORADO SHOOTINGS

Mr. DURBIN. Mr. President, the horrific shooting that happened last week in Aurora, CO has shocked our Nation. Our hearts and our prayers go out to the victims, to their loved ones, and to all those whose lives have been forever marred by this tragedy. Twelve have died, and 58 more have been injured, many seriously.

We certainly give thanks to the first responders and to the medical personnel who responded so quickly and so capably. Most of all, we mourn those who we have lost.

Sadly, no state in our Union is immune to the horror of lives cut short by violence. In my State of Illinois, there have been too many lives lost, too many families shattered, too many children caught in the crossfire in my hometown of East St. Louis and some neighborhoods of Chicago.

The tragic mass shooting in Aurora has sent ripples of sadness and loss far beyond Colorado. For many people in Illinois, the scene last Friday was sickeningly familiar. A little over 4 years ago, a mentally disturbed gunman walked into a lecture hall at Northern IL University in DeKalb, IL, and opened fire. He killed 5 people, and injured 21 more. We in Illinois know something about the grief Coloradans are feeling after last Friday's mass shooting, and we grieve with them.

PETTY OFFICER JOHN LARIMER OF CRYSTAL LAKE, IL

We were saddened to hear that a young man from Illinois was among those killed in Aurora. U.S. Navy PO3 John Larimer of Crystal Lake, IL, was a fourth-generation Navy man.

He joined the Navy last year and trained at the Naval Station Great Lakes near Chicago. He was a cryptologic technician. He was stationed at Buckley Air Force Base in Aurora, where he was assigned to the U.S. Fleet Cyber Command. Last week Petty Officer Larimer went to the movies with his girlfriend, Julia Vojtsek, a nurse who grew up in Algonquin, Illinois. When the shooting started, John Larimer shielded Julia's body with his own. Julia said that John ''held my

head, and protected my whole body with his, and saved me.'' John Larimer was a brave man who died a hero. He was 27 years old.

His commanding officer, Commander Jeffrey Jakuboski, said the following of Larimer:

He was an outstanding shipmate. A valued member of our Navy team, he will be missed by all who knew him.

Over the weekend, John Larimer was remembered by friends and family for his intelligence, his good nature, his compassion, and his dedication to his family, his community and his country.

Family members spoke of his ''incredible mind'' and ''quiet gentleness.'' John's English teacher at Crystal Lake South High School remembered a good student who was ''incredibly bright and firm in his ideals.'' He said John ''was a good, strong human being . . . and I know he would have done incredible things for our country.'' To his high school principal, John Larimer was ''just a great kid to be around.''

Whether it was giving a big tip to a neighborhood kid who sold him a lemonade, or sending letters to the local newspaper calling for tolerance and respect for the views of others, John Larimer inspired those around him through the way he lived his life. And now he has inspired us with the way he died, literally sacrificing his life to save another.

His passing is a heartbreaking loss to the community of Crystal Lake, to Illinois, and to our country. I offer my condolences to John's parents, his brother and his three sisters. All of us will keep John, his family and his loved ones in our thoughts and prayers.

A night out at the movies is supposed to be a joyful event. That it could end in such a horrific scene reminds us how precious and fragile life is.

In the days and weeks to come, we will learn more about what happened in Aurora and whether there was any point at which this disturbed gunman could have been identified and stopped.

There will inevitably be discussions about whether we need to change any of our laws or policies. We owe it to the victims and their loved ones to see that those debates are guided by an honest assessment of the facts, what it will take to keep us safe in America, safe from the gunman who walks into a classroom at Northern Illinois University in DeKalb or the gunman who walks into a crowded theater in Aurora CO.

I came out of church yesterday, and a woman came up to me and said: They are talking about putting metal detectors in movie theaters now. What is next?

I said, sadly: I am not sure. I don't know where we will turn next to keep America safe from people who misuse firearms, assault rifles, a 100-round clip of ammunition.

All of these things are raising questions in the minds of everyone about where is it safe anymore.

I said to this woman outside our church: There was a big crowd sitting in that church today, too. Just as in that movie theater, we all thought we were safe until this happened.

For today we pause, not to enter into a debate about these important issues, which we must face, but to remember and honor those who died, to offer our condolences to those who were left behind, and to pray for the recovery of all those who were wounded and those who have suffered. We wish them comfort in this difficult time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, are we now on the motion to proceed to S. 3412?

The PRESIDING OFFICER. We are.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk I wish to have reported.

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

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle class families.

Harry Reid, Max Baucus, Tom Udall, Debbie Stabenow, Mark Begich, Sheldon Whitehouse, Carl Levin, Robert P. Casey, Jr., Tom Harkin, Tom Carper, Christopher A. Coons, Barbara A. Mikulski, Jeff Merkley, Kirsten E. Gillibrand, Daniel K. Inouye, Richard Blumenthal, Mark R. Warner.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF MICHAEL A. SHIPP TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination which the clerk will report.

The assistant bill clerk read the nomination of Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.

Mr. LEAHY. Mr. President, I ask unanimous consent that the cloture motion be withdrawn and that the time be equally divided between now and the hour of 5:30 in the usual form; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. LEAHY. Mr. President, I thank the distinguished Presiding Officer, distinguished by his service here in the Senate but also as Governor of one of the most beautiful States in the Union.

AURORA, COLORADO SHOOTINGS

Before we begin—and so many others have said this—it would be impossible to state the amount of horror and sadness felt by my wife Marcelle and me at the news of what happened in Colorado, and I was reminded again today as I saw the flags lowered to half staff on this Capitol Building. We think of the Capitol as being a bastion of democracy or the light that sort of shines for the rest of the world on what democracy is. Unfortunately, so much of the world has seen the acts of a madman. It is safe to say this is one thing that united every Senator of both parties here. Our hearts go out not only to those who have been injured, obviously to the families of those who have died, and to the people in that wonderful community, because it is impossible for any one of us here to know how long or how hard that will hold in their heart, the number of people who say, as we all do: We just went to a movie. Any one of us has done that. Our children go to movies, our grandchildren go to movies. You expect them to go, have a good time, and come back, and enjoy it. The thought of what they saw there is horrible.

We have before us a Federal trial court nomination, that of Michael Shipp. This is a nomination that was voted on by the Senate Judiciary Committee more than three months ago and supported nearly unanimously by both Republican and Democratic Senators who have reviewed it. The only objection came as a protest vote from Senator LEE.

Judge Michael Shipp has served as a U.S. Magistrate Judge in the District of New Jersey since 2007 and has presided over civil and criminal matters and issued over 100 opinions. He is the

first African-American United States Magistrate Judge in that district. Prior to his appointment to the Federal bench, he worked for the Office of the Attorney General of New Jersey for five years, where he was Assistant Attorney General in charge of Consumer Protection from 2003 to 2007 and Counsel to the Attorney General in 2007. From 1995 to 2003, Judge Shipp was an associate in the Newark office of the law firm Skadden, Arps. Upon graduation from law school, Judge Shipp clerked for Judge James Coleman on the New Jersey Supreme Court.

Despite his outstanding qualifications and bipartisan support, Senate Republicans have delayed his confirmation vote for more than three months. Despite the fact that the Senate has finally been allowed to consider his nomination and that he will be confirmed overwhelmingly, Senate Republicans have again demonstrated their obstruction of judicial nominees. This is not a nominee on whom cloture should have been filed.

They refused until today to agree to a vote on this nomination. That meant that the Majority Leader was required to file a cloture petition to put an end to their obstruction and partisan filibuster. While I am pleased we are holding a confirmation vote today, it should not have required that the Majority Leader file for cloture.

This was the 29th time the Majority Leader had been forced to file for cloture to end a Republican filibuster and get an up-or-down vote for one of President Obama's judicial nominees. By comparison, during the entire eight years that President Bush was in office, cloture was filed in connection with 18 of his judicial nominees, most of whom were opposed on their merits as extreme ideologues.

Senate Republicans used to insist that filibustering of judicial nominations was unconstitutional. The Constitution has not changed but as soon as President Obama was elected they reversed course and filibustered President Obama's very first judicial nomination. Judge David Hamilton of Indiana was a widely-respected 15-year veteran of the Federal bench nominated to the Seventh Circuit and was supported by Senator Dick Lugar, the longest-serving Republican in the Senate. They delayed his confirmation for five months. Senate Republicans then proceeded to obstruct and delay just about every circuit court nominee of this President, filibustering nine of them. They delayed confirmation of Judge Albert Diaz of North Carolina to the Fourth Circuit for 11 months. They delayed confirmation of Judge Jane Stranch of Tennessee to the Sixth Circuit for 10 months. They delayed confirmation of Judge Ray Lohier of New York to the Second Circuit for seven months. They delayed confirmation of Judge Scott Matheson of Utah to the Tenth Circuit and Judge James Wynn, Jr. of North Carolina to the Fourth Circuit for six months. They delayed confirmation of Judge Andre Davis of Maryland to the Fourth Circuit, Judge Henry Floyd of South Carolina to the Fourth Circuit, Judge Stephanie Thacker of West Virginia to the Fourth Circuit, and Judge Jacqueline Nguyen of California to the Ninth Circuit for five months. They delayed confirmation of Judge Adalberto Jordan of Florida to the Eleventh Circuit, Judge Beverly Martin of Georgia to the Eleventh Circuit, Judge Mary Murguia of Arizona to the Ninth Circuit, Judge Bernice Donald of Tennessee to the Sixth Circuit, Judge Barbara Keenan of Virginia to the Fourth Circuit, Judge Thomas Vanaskie of Pennsylvania to the Third Circuit, Judge Joseph Greenaway of New Jersey to the Third Circuit, Judge Denny Chin of New York to the Second Circuit, and Judge Chris Droney of Connecticut to the Second Circuit for four months. They delayed confirmation of Judge Paul Watford of California to the Ninth Circuit, Judge Andrew Hurwitz of Arizona to the Ninth Circuit, Judge Morgan Christen of Alaska to the Ninth Circuit, Judge Stephen Higginson of Louisiana to the Fifth Circuit, Judge Gerard Lynch of New York to the Second Circuit, Judge Susan Carney of Connecticut to the Second Circuit, and Judge Kathleen O'Malley of Ohio to the Federal Circuit for three months.

As a current report from the nonpartisan Congressional Research Service confirms, the median time circuit nominees have had to wait before a Senate vote has skyrocketed from 18 days for President Bush's nominees to 132 days for President Obama's. This is the result of Republican foot dragging and obstruction. In most cases, Senate Republicans are delaying and stalling for no good reason. How else do you explain the filibuster of the nomination of Judge Barbara Keenan of Virginia to the Fourth Circuit who was ultimately confirmed 99–0? And how else do you explain the needless stalling and obstruction of Judge Denny Chin of New York to the Second Circuit, who was filibustered for four months before he was confirmed 98–0?

Three of the five circuit court judges finally confirmed this year after months of unnecessary delays and a filibuster should have been confirmed last year. The other two circuit court nominees confirmed this year were both subjected to stalling and a partisan filibuster by Senate Republicans. This was the case even though these circuit nominees had strong bipartisan support. We needed to overcome a filibuster to confirm Justice Andrew Hurwitz of Arizona to the Ninth Circuit despite the strong support of his home state Senators, Republicans JON KYL and JOHN MCCAIN. The Majority Leader had to file cloture to secure an up-or-down vote on Paul Watford of California to the Ninth Circuit despite his sterling credentials and bipartisan support. The year started with the Majority Leader having to file cloture to get an up-or-down vote on Judge Adalberto Jordan of Florida to the Eleventh Circuit even though he was strongly supported by his Republican home state Senator. Every single one of these nominees for whom the Majority Leader was forced to file cloture was rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. And every one of them was nominated to fill a judicial emergency vacancy.

In June, Senate Republicans confirmed that they shut down the confirmation process for qualified and consensus circuit court nominees. They are now filibustering Judge Patty Shwartz of New Jersey who is nominated to the Third Circuit and Richard Taranto who is nominated to the Federal Circuit. In addition, they are filibustering two circuit court nominees who have the support of both their home state Republican Senators: William Kayatta of Maine to the First Circuit and Judge Robert Bacharach of Oklahoma to the Tenth Circuit. This is almost unprecedented.

During the past five presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican President who received bipartisan support in the Judiciary Committee. In fact, during the last 20 years, only four circuit nominees reported with bipartisan support have been denied an up-or-down vote by the Senate and all four were nominated by President Clinton and blocked by Senate Republicans. While Senate Democrats have been willing to work with Republican presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic presidents. In the previous five presidential election years, a total of 13 circuit court nominees have been confirmed after June 1. Not surprisingly, 12 of the 13 were Republican nominees. Clearly, this is not tit-for-tat as some contend but, rather, a one-way street in favor of Republican presidents' nominees.

This entire year, the Senate has yet to vote on a single circuit court nominee who was nominated by President Obama this year. Since 1980, the only presidential election year in which there were no circuit nominees confirmed who was nominated that year was in 1996, when Senate Republicans shut down the process against President Clinton's circuit nominees.

The nonpartisan Congressional Research Service has confirmed in its reports that judicial nominees continue to be confirmed in presidential election years—except it seems when there is a Democratic President. In five of the last eight presidential election years, the Senate has confirmed at least 22 circuit and district court nominees after May 31. The notable exceptions were during the last years of President Clinton's two terms in 1996 and 2000 when Senate Republicans would not

allow confirmations to continue. The third exception was in 1988, at the end of President Reagan's presidency, but that was because vacancies were at 28. In comparison, vacancies at the end of the Clinton years stood at 75 at the end of 1996 and 67 at the end of 2000. Otherwise, it has been the rule rather than the exception. So, for example, according to CRS the Senate confirmed 32 nominees in 1980; 28 in 1984; 31 in 1992; 28 in 2004 at the end of President George W. Bush's first term; and 22 after May 31 in 2008 at the end of President Bush's second term. So far this year only 7 judicial nominees have been allowed to be confirmed.

It is ironic that certain Senate Republicans are now arguing in support of a distorted version of the Thurmond Rule, as if it had the force of law. After all, it is Senate Republicans who have repeatedly asserted that the Thurmond Rule does not exist. For example, on July 14, 2008, the Senate Republican caucus held a hearing solely dedicated to arguing that the Thurmond Rule does not exist. At that hearing, the senior Senator from Kentucky stated: ''I think it's clear that there is no Thurmond Rule. And I think the facts demonstrate that.'' Similarly, the Senator from Iowa, my friend who is now serving as Ranking Member of the Judiciary Committee, stated that the Thurmond Rule was in his view ''plain bunk.'' He said: ''The reality is that the Senate has never stopped confirming judicial nominees during the last few months of a president's term.'' We did not in 2008 when we proceeded to confirm 22 nominees over the second half of that year. That Senate Republicans have objected to voting on the nomination of Judge Shipp is a distortion of the Thurmond rule and shows the depths to which they have gone.

There is no good reason that the Senate should not vote on consensus nominees like Judge Shipp and more than a dozen other consensus judicial nominees to fill Federal trial court vacancies in Iowa, California, Utah, Connecticut, Maryland, Florida, Oklahoma, Michigan, New York and Pennsylvania. There is no good reason the Senate should not vote on the nominations of William Kayatta of Maine to the First Circuit, Judge Robert Bacharach of Oklahoma to the Tenth Circuit, Richard Taranto to the Federal Circuit and for that matter Judge Patty Shwartz of New Jersey to the Third Circuit, who is supported by New Jersey's Republican Governor. Each of these circuit court nominees has been rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. These should not be controversial nominees. They are qualified and should be considered as consensus nominees and confirmed.

Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support. This is a new and damaging application of the Thurmond rule.

The fact that Republican stalling tactics have meant that circuit court nominees that should have been confirmed in the spring—like Bill Kayatta, Richard Taranto and Patty Shwartz—are still awaiting a vote is no excuse for not moving forward this month to confirm these circuit nominees.

In an article dated July 16, 2012 entitled ''William Kayatta and the Needless Destruction of the Thurmond Rule,'' Andrew Cohen of the Atlantic states:

> In a more prudent and practical era in Senate history, nominees like Kayatta would have been confirmed in days . . . Now even slam-dunk candidates like Kayatta linger in the wings waiting for Senate ''consent'' long after the body already has definitively ''advised'' the executive branch of how great it thinks the nominee would be as a judge. Can you imagine the uproar if the Senate ever used its filibuster power to block the deployment of troops already endorsed by the Armed Services Committee? Now please tell me the material difference here. Surely, the judiciary needs judges as much as the army needs soldiers.

I agree. We have outstanding nominees with the support of both Republican home State senators. Yet, we cannot vote on these nominees because Senate Republicans want to place politics over the needs of the American people.

The Los Angeles Times recently published an editorial entitled ''Reject the 'Thurmond Rule' '' which concluded ''the administration of justice shouldn't be held hostage to partisan politics even in an election year.''

I ask unanimous consent that copies of the July 12 and 16 articles be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is ordered.

(See exhibit 1.)

Mr. LEAHY. As both Chairman and Ranking Member of the Judiciary Committee during the last several years, I have worked with Senate Republicans to consider judicial nominees well into presidential election years, I have made earnest efforts to make the confirmation process more transparent and fair, I have ensured that the President consults with home state Senators before submitting a nominee, and I have opened up the blue slip process to prevent abuses while continuing to respect it.

In the last two presidential election years, we were able to bring the number of judicial vacancies down to the lowest levels in the past 20 years. In 2004 at end of President Bush's first term, vacancies were reduced to 28 not the 77 we have today. In 2008, in the last year of President Bush's second term, we again worked to fill vacancies and got them down to 34, less than half of what they are today. In 2004, 25 nominees were confirmed between June and the presidential election, and in 2008, 22 nominees were confirmed between June and the presidential election.

In 2004, a Presidential election year, the Senate confirmed five circuit court nominees of a Republican President that had been reported by the Committee that year. This year we have confirmed only two circuit court nominees that have been reported by the Committee this year, and both were filibustered. By this date in 2004 the Senate had already confirmed 32 of President Bush's circuit court nominees, and we confirmed another three that year for a total of 35 circuit court nominees in his first term. So far, the Senate has only been allowed to consider and confirm 30 of President Obama's circuit court nominees five fewer, 17 percent fewer while higher numbers of vacancies remain, and yet the Senate Republican leadership wants to artificially shut down nominations for no good reason.

As Chairman of this Committee, I have also assiduously protected the rights of the minority in the judicial nomination process. I have only proceeded with judicial nominations supported by both home state Senators. That has meant that we are not able to proceed on current nominees from Arizona, Georgia, Nevada and Louisiana. I even stopped proceedings on a circuit court nominee from Kansas when the Kansas Republican Senators reversed themselves and withdrew their support for the nominee. Nor did I accede to the Majority Leader's request to push a Nevada nominee through Committee who did not have the blue slip of the state's Republican Senator. In stark contrast, it was Senate Republicans and the Republican chairman who blatantly disregarded Senate Judiciary procedure by proceeding with nominations despite the objection of both home state Senators. And I have been consistent. I hold hearings at the same pace and under the same procedures whether the President nominating is a Democrat or a Republican. Others cannot say that. So those have been my rules respect for minority rights, transparency, deference to home state Senators, consistent application of policies and practices, and allowing for confirmations well into presidential election years for nominees with bipartisan support.

Personal attacks on me do nothing to help the American people who are seeking justice in our Federal courts. I am willing to defend my record but that is beside the point. The harm to the American people is what matters. What the American people and the overburdened Federal courts need are qualified judges to administer justice in our Federal courts, not the perpetuation of extended, numerous vacancies.

The judicial vacancy rate remains almost twice what it was at this point in the first term of President Bush. I wish Senate Republicans would think more about our responsibilities to the American people than some warped sense of partisan score settling. Vacancies have been near or above 80 for three years. Nearly one out of every 11 Federal courts is currently vacant. Their shutting down confirmations for consensus

and qualified judicial nominees is not helping the overburdened courts who cannot administer justice in an expedient fashion. It is not helping owners of small businesses.

Last week, after his nomination was reported with near unanimous voice vote by the Judiciary Committee approximately three months ago, the Senate was finally able to confirm Judge Kevin McNulty to the District of New Jersey. Despite vacancies still remaining near or above 80, Senate Republicans continue to obstruct and stall nominees on the Senate floor for no good reason. We could easily have confirmed both Judges Shipp and McNulty together three months ago. It is this type of across-the-board obstruction of judicial nominees by Senate Republicans that has contributed to the judicial vacancy crisis in our Federal courts.

Last week, I spoke about the novel excuses that some Senate Republicans have concocted for refusing to allow for votes on nominees. One excuse was that having confirmed two Supreme Court justices, the Senate cannot be expected to reach the 205 number of confirmations in President Bush's first term. Work on two Supreme Court nominations did not stop the Senate from working to confirm 200 of President Clinton's circuit and district nominees in his first term. Similarly, there were two Supreme Court confirmations in President George H.W. Bush's term, and that did not prevent Senate Democrats who were in the Senate majority from confirming 192 of his circuit and district nominees, including 66 in the election year of 1992 alone.

Last week we heard another self-serving misconception of more recent history from the Republican side of the aisle. They claimed that Democrats were responsible for growing judicial vacancies in 2008. The charge was as follows: ''[A]t the beginning of 2008 there were 43 vacancies. So the practice for Democrats who controlled the Senate during that last year of President Bush's term was to allow vacancies to increase by more than 37 percent.'' In fact, what we did in 2008 was to reduce vacancies back down to 34 in October 2008 when the Senate recessed for the year. The increase in vacancies after October and through the remainder of 2008 was not because Senate Democrats were obstructing Senate votes on qualified judicial nominees with bipartisan support as Senate Republicans are today. In November and December 2008 the Senate met on a few days only to address the financial crisis. There were no nominations pending on the Calendar after the election in 2008. Their charge is fallacious. Judicial vacancies have not been as low as 34 or 43 or even the 55 that they stood at when President Obama took office for years. Due to Republican obstruction, President Obama will be the first President in 20 years to complete his first term with more judicial vacancies than when he took office.

Last week Senate Republicans also contended that they have no responsibility for the lack of progress in 2009. In fact, that year ended with 10 judicial confirmations stalled by Senate Republicans. The obstructionist tactics they employed from the outset of the Obama administration had led to the lowest number of judicial confirmations in more than 50 years. Only 12 of President Obama's judicial nominations to Federal circuit and district courts were confirmed that whole year. The 12 were less than half of what we achieved during President Bush's first tumultuous year. In the second half of 2001, a Democratic Senate majority proceeded to confirm 28 judges. Despite the fact that President Obama began nominating judicial nominees two months earlier than President Bush, Senate Republicans delayed and obstructed them to yield an historic low in confirmations. Republicans refused to agree to the consideration of qualified, noncontroversial nominees for weeks and months. And as the Senate recessed in December, only three of the available 13 judicial nominations on the Senate Executive Calendar were allowed to be considered.

By contrast, in December 2001, the first year of President Bush's administration, Senate Democrats proceeded to confirm 10 of his judicial nominees. At the end of the Senate's 2001 session, only four judicial nominations were left on the Senate Executive Calendar, all of which were confirmed soon after the Senate returned in 2002. By contrast, it took until May 2011, a year and a half later, to complete action on the judicial nominees who should have been confirmed in December 2009 but had to be renominated. Although noncontroversial, several were further delayed by filibusters before being confirmed unanimously. The lack of Senate action on those 10 judicial nominees in 2009 was attributable to Senate Republicans and no one else. Despite the fact that President Obama reached across the aisle to consult with Republican Senators, he was rewarded with obstruction from the outset of his administration. While President Obama moved beyond the judicial nominations battles of the past and reached out to work with Republicans and make mainstream nominations, Senate Republicans continued their tactics of delay.

For Senate Republicans to claim that ''only 13 [sic] judges were confirmed during President Obama's first year'' because of ''decisions made by the Senate Democratic leadership'' and that it was ''the choice of Democrats'' and ''not because of anything the Republican minority could do'' is ludicrous. Senate Democrats had cleared for confirmation the other 10 judicial nominees stalled by Republicans in 2009. Their assertion ignores the facts and the truth. Just as they cannot escape responsibility for their unwillingness to move forward with the 21 judicial nominees ready for a final up-or down vote now before the end of this year, they cannot escape responsibility for what they did in 2009.

Senate Republicans choose to offer weak excuses and blame everyone but themselves for the delays and obstruction in which they have excelled. Their sense of being justified by some view of tit-for-tat is distorted and should be beside the point while vacancies remain so high that the American people and our courts are overburdened. The way Senate Democrats helped reduce vacancies was not by limiting confirmations to one nominee per week, as Senate Republicans have. In September 2008, with Democrats in the majority, the Senate confirmed 10 of President Bush's nominees in a single day, all by voice vote. There were 10 consensus nominees pending on the Senate floor, and we confirmed all of them in minutes. Likewise, in 2002, Senate Democrats joined in confirming 18 of President Bush's nominees in a single day, again by voice vote. I wish Senate Republicans would duplicate that precedent and help clear the logjam of judicial nominees dating back to March who are still awaiting up-or-down votes.

While I am pleased that we will confirm Judge Shipp today, I wish that Senate Republicans would help us confirm the 20 additional judicial nominees who can be confirmed right now. Then we could make real progress in giving our courts the judges they need to provide justice for the American people, just as we did in 1992, 2004 and 2008.

After today's vote, I hope Senate Republicans will reconsider their ill-conceived partisan strategy and work with us to meet the needs of the American people. With more than 75 judicial vacancies still burdening the American people and our Federal courts, there is no justification for not proceeding to confirm the judicial nominees reported with bipartisan support by the Judiciary Committee this year.

Each day that Senate Republicans refuse because of their political agenda to confirm these qualified judicial nominees who have been reviewed and voted on by the Judiciary Committee is another day that a judge could have been working to administer justice. Every week lost is another in which injured plaintiffs are having to wait to recover the costs of medical expenses, lost wages, or other damages from wrongdoing. Every month is another drag on the economy as small business owners have to wait to have their contract disputes resolved. Hardworking and hard-pressed Americans should not have to wait years to have their cases decided. Just as it is with the economy and with jobs, the American people do not want to hear excuses about why Republicans in Congress will not help them. So let us do more to help the American people.

EXHIBIT 1

[From theatlantic.com, July 16, 2012]

WILLIAM KAYATTA AND THE NEEDLESS DESTRUCTION OF THE THURMOND RULE

(By Andrew Cohen)

WHY DO REPUBLICAN LEADERS STILL PLAY ALONG WITH AN INFORMAL SENATE RULE THAT PREVENTS UP-OR-DOWN VOTES ON EVEN THOSE JUDGES WHO HAVE STRONG REPUBLICAN SUPPORT?

Meet William Kayatta, another one of America's earnest, capable judges-in-waiting. Widely respected in his home state of Maine, nominated by President Obama in January to fill a vacancy on the 1st U.S. Circuit Court of Appeals, eagerly endorsed by both of Maine's Republican senators, passed for confirmation to the Senate floor by an easy voice vote in the Senate Judiciary Committee, Kayatta's nomination instead has become yet another victim of the Senate GOP's suicidal tendencies.

The litigants of the 1st Circuit need Kayatta. There are no serious arguments against him. Yet the Republican leadership in the Senate has blocked a vote on the merits of his nomination in obedience to the so-called ''Thurmond Rule,'' an informal practice as self-destructive as was its namesake. The Thurmond Rule is typically invoked by the opposition party in a presidential election year to preclude substantive votes on federal judicial appointments within six months of Election Day. It is the Senate's version of a sit-down strike.

In April, just after the Judiciary Committee favorably passed along Kayatta's nomination to the Senate floor for confirmation, Maine's junior senator, Susan Collins, had wonderful things to say about the nominee:

Bill is an attorney of exceptional intelligence, extensive experience, and demonstrated integrity, who is very highly respected in the Maine legal community. Bill's impressive background makes him eminently qualified for a seat on the First Circuit. His thirty-plus years of real world litigation experience would bring a much-needed perspective to the court. Maine has a long proud history of supplying superb jurists to the federal bench. I know that, if confirmed, Mr. Kayatta will continue in that tradition. I urge the full Senate to approve his nomination as soon as possible.

And how did her fellow Republicans respond to her request? They blew her off. There has been no vote on Kayatta's nomination and none is scheduled. Instead, last month, Sen. Mitch McConnell, the Senate Minority Leader, invoked the ''Thurmond rule'' to block floor consideration of appointment—as well as up-or-down votes on the rest of President Obama's federal appellate nominees (This in turn, initially prompted Sen. Collins to blame the Obama Administration for going too slow in nominating Kayatta in the first place.)

In theory, the Thurmond Rule is something official Washington defends as the price of divided government. In reality, it's another outrageous example of how the Senate has re-written the Constitution by filibuster. In practice, in the Kayatta case and many more, the Thurmond rule is the antithesis of good governance. Your Senate today perpetuates a frivolous rule which, for the most cynical political reasons, blocks qualified people from serving their nation. It's not misfeasance. It's malfeasance.

Just because Strom Thurmond was willing to jump the Senate off the bridge doesn't mean that today's Senate Republican leaders had to do likewise.

In a more prudent and practical era in Senate history, nominees like Kayatta would have been confirmed in days. Fifty years ago, for example, when another bright Democratic appointee with strong Republican support came to the Senate seeking a judgeship, the Judiciary Committee took all of 11 minutes before it endorsed him. Byron ''Whizzer'' White then served the next 31 years as an associate justice of the United States Supreme Court. That's wholly unthinkable today—even with lower federal court nominees.

Now even slam-dunk candidates like Kayatta linger in the wings waiting for Senate ''consent'' long after the body already has definitively ''advised'' the executive branch of how great it thinks the nominee would be as a judge. Can you imagine the uproar if the Senate ever used its filibuster power to block the deployment of troops already endorsed by the Armed Services Committee? Now please tell me the material difference here. Surely, the judiciary needs judges as much as the army needs soldiers.

There are currently 76 judicial vacancies around the country. There are 31 districts and circuits designated as ''judicial emergencies'' because vacancies there have lingered so long. In the 10th Circuit, what's happening to Kayatta is happening to Robert Bacharach, who has the support of Oklahoma's two Republican senators. The Senate also is blocking Richard Taranto from a Federal Circuit spot even though he breezed through the Judiciary Committee and has been endorsed by Robert Bork and Paul Clement. The same goes for Patty Shwartz in the 3rd Circuit.

This is unacceptable on every level. When we talk about ''false equivalence'' in modern politics the business of these judges should be the lede. These nominations require no great policy choices on the part of Congress. They don't come with thousands of pages of ambiguous legalese disguised as the language of a federal statute. There is no room for spin. These nominees are either qualified, or they aren't, and when they sail out of the Judiciary Committee with voice votes no one can plausibly say they aren't qualified.

And yet here we are. It would be convenient to blame Strom Thurmond, one of the most divisive politicians of the 20th century, for one of the Senate's most divisive rules. But Thurmond is long gone. And there was never anything about his rule that demanded it be followed, session after session, under both Democratic and Republican control. Just because Strom Thurmond was willing to jump the Senate off the bridge, in other words, doesn't mean that today's Senate Republican leaders had to do likewise. But they have.

America has trouble enough today without a senseless Senate rule that blocks highly skilled, highly competent public servants from joining government. The nation's litigants in federal court, burdened by judicial vacancies, already are waiting long enough to have their corporate disputes decided. This isn't gridlock. This is destruction. ''I think it's stupid'' to block good judges from confirmation, Sen. Tom Coburn said earlier this year. For once, he is right. And Sen. Collins? Even she's come around. ''I have urged my colleagues on both sides of the aisle to give Bill the direct vote by the full Senate that he deserves,'' she said late last month. Amen to that.

[From the Los Angeles Times, July 12, 2012]

REJECT THE ''THURMOND RULE''

SENATE MINORITY LEADER MITCH MCCONNELL INVOKES THE LEGACY OF STROM THURMOND TO HOLD UP JUDICIAL CONFIRMATIONS—IT'S BAD FOR JUDGES AND BAD FOR JUSTICE

The late Strom Thurmond is best known for his 48 years in the U.S. Senate representing South Carolina, his segregationist candidacy for the presidency in 1948 and the fact that even though he was a longtime opponent of racial equality, he fathered a child with a black teenage housekeeper. But Thurmond also lent his name to the so-called Thurmond Rule, according to which Senate action on judicial confirmations is supposed to stop several months before a presidential election.

The rule—actually a custom that sometimes has been honored in the breach—goes back to 1968, when Thurmond and other Republicans held up action on President Johnson's nomination of Abe Fortas to be chief justice of the United States. Fortas withdrew in the face of a filibuster, and President Nixon, the Republican victor in the 1968 election, was able to choose a successor to the retiring Earl Warren. In subsequent years, senators of both parties have cited the Thurmond/Fortas episode as a precedent for not acting on judicial nominations close to an election.

Even in the case of a Supreme Court appointment, the Thurmond Rule violates the spirit of the Constitution, which doesn't distinguish between nominations made earlier or later in a president's term. It is less defensible still in connection with nominations to lower courts. Yet Senate Minority Leader Mitch McConnell (R–Ky.) told colleagues last month that he was immediately invoking the rule to end nominations to the U.S. Court of Appeals, and would block confirmation votes on nominees to federal district courts after September.

Such delays are a disservice to the nominees and to an overburdened federal judiciary. At present there are 12 vacancies on federal appeals courts, 63 on district courts and two on the U.S. Court of International Trade. The Obama administration, although it has been slow to fill vacancies, currently is proposing seven candidates for the appeals court and 28 for the district courts. The Senate should hold up-or-down votes on these nominations and any others put forward in the near future.

Apart from the Thurmond Rule, the timely confirmation of judicial nominees has long been frustrated by petty partisanship. Democrats and Republicans share the blame. The most recent logjam was broken in March when Republicans agreed to timely votes on 14 nominations.

Obviously Republicans hope that Barack Obama is a lame-duck president, but even lame-ducks are entitled to expeditious consideration of their nominations. And the administration of justice shouldn't be held hostage to partisan politics even in an election year.

Mr. President, I see the distinguished senior Senator from New Jersey on the floor. If he seeks the floor, I will yield to him; otherwise, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, I thank the chairman of the Judiciary Committee who always has things of relevance to talk to us about and he has done that again today and we thank the chairman.

SHOOTING IN AURORA, CO

Mr. President, I do plan on talking about a confirmation vote coming up

on the floor, but one can't address the public at-large on this day, so soon after a tragedy of enormous proportion, without taking just a few moments to discuss the events that took place in Aurora, CO, last Friday. The question arises: What do we do besides weep with these people? What do we do besides feel sad and see a gloom hanging over our country? What do we do about this? What do we want to do to prevent it in the future? That will be the test of the general character of this body and others in government.

So many promising young lives were lost, changed forever. We see pictures of those who lost a loved one in our newspapers. It is heartbreaking just to look at those pictures. What I sense from my visits around New Jersey today and over the weekend is a certain kinship one feels with the people who are mourning the loss of a child—an 8-year-old—or a daughter or son, husband or wife. One feels a certain kinship. One can feel the sadness and it is depressing, and it is not the kind of characterization we would like to see for the United States and the young lives lost forever.

But our duty in this body is not simply to mourn and offer our condolences. We want to do that. We want those families who lost someone to understand that we, in some strange way, join them in their mourning, but the best way to prove our sadness, the best way to prove we care is to take action to protect young, innocent lives. On that score, we don't rank very high.

I remember so clearly the time in 1999 the pictures of young people at a high school, hanging out the window, imploring for help, imploring to be saved, heartbroken at what they were seeing and what they were feeling. So we have to do something more.

The gun laws on the books are outdated, and we even have let key protections expire. It is tragic. In the coming days, I am sure, some of my colleagues and I will be discussing specific measures, commonsense measures, because when it comes to our gun laws, we need to act before another outburst of gun violence overtakes us with the terrible consequences that brings.

Around here we have opportunities to do great things, and I have one of those, I believe, today—an opportunity that I take with great pleasure—to come to the floor to strongly endorse Judge Michael Shipp for a position on the U.S. District Court for the District of New Jersey.

Judge Shipp brings an impressive background to the bench. To start, he was born in Paterson, NJ, as was I. It is a city of significant poverty and difficulty, but he rose from humble beginnings in Paterson to graduate from Rutgers University and Seton Hall Law School, two of New Jersey's fine educational institutions.

Judge Shipp has dedicated his career to our justice system, and he spent much of it in public service. I learned so much about him in my meeting with him. Not only does he bring a sincerity about wanting to do what is right, but he has the knowledge and the sensitivity that will make him a terrific district court judge.

He began his career as a law clerk to a New Jersey Supreme Court justice, James H. Coleman, Jr. He then served in the office of New Jersey's attorney general, where he developed not only a thorough legal expertise but also real leadership acumen. As counsel to the attorney general, he oversaw 10,000 employees, including 800 attorneys. For more than a decade, Judge Shipp has taught our State's students as an adjunct law professor at Seton Hall University.

Since 2007, he has served our city and our Nation as a U.S. magistrate judge in the district court. In this capacity, he has conducted proceedings in both civil and criminal cases and has included rulings on motions, issuing recommendations to district court judges, and performing district court judge duties in cases with magistrate jurisdiction. With this experience, Judge Shipp is going to be well prepared to serve on the district court.

The law, our constitution, are the greatest denominators of our democracy, and the judges are the faithful stewards to protect these precious guidelines of our society. That is why, as a Senator, I consider it a sacred duty, given by the Constitution, to carefully select judicial nominees and to provide the President with advice and consent.

Our faith in the legal system depends on the just application of the law as it is soundly written law. Judge Shipp has served New Jersey extraordinarily well, he is eminently qualified, and his broad experience will prepare him well for his new role. I have no doubt he will continue his excellence as a judge on the U.S. district court.

The success of our democracy depends on all our citizens receiving equal and just representation before the law. As leaders in our judicial system, judges hold that equality and justice in their hands. It means they must be fair-minded, honorable, and humble. I am confident Judge Shipp is going to make a terrific judge. He is highly qualified to meet this challenge, and I urge my colleagues to support this confirmation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that I be recognized for 4 minutes; that following my 4 minutes, the distinguished Senator from Iowa, the ranking member of the Judiciary Committee, be recognized for 6 minutes.

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

Mr. MENENDEZ. Mr. President, I rise to strongly support the nomination of Judge Michael Shipp for the U.S. District Court for the District of New Jersey.

All of us in New Jersey, everyone who has dealt with him, everyone who knows him is very familiar with Judge Shipp's strong qualifications and reputation for excellence. He is an exceptional candidate for the Federal bench—an accomplished jurist with impressive credentials.

I recommended Judge Shipp to President Obama, and I urge all my colleagues in the Senate to support his nomination, as the Judiciary Committee did.

With almost 5 years' experience as a Federal magistrate judge for the District of New Jersey, he is well prepared to assume a seat as a Federal district judge. As a magistrate, he has successfully managed significant and complex cases. On occasion, he has served as the district court judge in cases with magistrate jurisdiction.

The first 8 years of his distinguished legal career were spent in the litigation department at the law firm of Skadden, Arps, Slate, Meagher & Flom. In 2003, he turned to public service to give something back to the community as an assistant attorney general for consumer protection in the Office of the Attorney General of New Jersey, where he honed his expertise in consumer fraud, insurance fraud, and securities fraud cases.

Judge Shipp clearly excelled. He was twice promoted within the office, first as a liaison to the attorney general and second as counsel to the attorney general. As counsel, he was in charge, in essence, of day-to-day operations of the Department of Law and Public Safety, a department with over 10,000 employees and 800 attorneys.

An accomplished jurist, an experienced prosecutor, a dedicated public servant, and an effective administrator and manager as well, that is Michael Shipp. It is what all of us in New Jersey have known him to be.

Judge Shipp has not stayed on the sidelines. Even with a full plate, he has been deeply involved in the legal community in helping address the profession's needs and concerns. He held a leadership role with the New Jersey State Bar Association and is actively involved with the Garden State Bar Association, which is the association of African-American lawyers.

As a faculty member of Seton Hall University's School of Law's Summer Institute for Pre-Legal Studies, he helped disadvantaged students develop their interest in the law, and he served on the faculty of the New Jersey Attorney General's Advocacy Institute, which ensures that attorneys representing the State of New Jersey maintain the highest possible levels of professionalism.

Judge Shipp is also a very proud New Jerseyan—part of the community—with deep roots in the State. A native of Paterson, he grew up and has lived in New Jersey all his life. He earned his degrees from Rutgers, the State university, and Seton Hall University School of Law. After graduating, he

went on to clerk for the Honorable James Coleman, a former justice on the New Jersey Supreme Court.

To put it simply, Michael Shipp will be an extraordinary district court judge for the District of New Jersey. He is a man of honor, principle, and he possesses an excellent judicial temperament, has extraordinary legal experience, and a deep and abiding commitment to the rule of law.

I have full confidence he will serve the people of New Jersey and the country with all the dignity, fairness, and honor he has shown throughout his extraordinary career. We are lucky to have a nominee of his caliber, and I wholeheartedly urge the full Senate to vote to confirm Judge Shipp to the District of New Jersey.

I am thrilled we are actually going to do a confirmation vote and not a cloture vote and I appreciate those who made that possible.

With that, I yield the floor to my distinguished colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

RECOGNIZING TAYLOR MORRIS

Mr. GRASSLEY. Mr. President, when my colleagues come over to vote, I hope they will take note of a constituent of mine and wish him well.

Taylor Morris, a Navy wounded person from Afghanistan, who is an explosives expert, lost parts of four limbs. He is at the bottom of the escalator as you go to the subway. He is one of our wounded heroes, and I would like to have my colleagues recognize him.

AURORA, COLORADO SHOOTINGS

Mr. GRASSLEY. Mr. President, it was a very sad weekend and will be for a long period of time in Aurora, CO. I heard the remarks of the majority and minority leaders today expressing condolence for the victims and their families. I wish to associate myself with those remarks and offer my condolences to all the people of Aurora but particularly to those who have deceased family members and those who are hospitalized because of this tragic event that happened there.

Mr. President, I support the nomination of Michael A. Shipp to be U.S. district judge for the District of New Jersey, currently serving as a U.S. magistrate and coming out of committee on voice vote. I am not aware of any controversy regarding this nominee, and I expect he will be confirmed with an overwhelming vote.

There has been a bit of discussion regarding whether the cloture vote that had been scheduled on today's nominee was some sort of escalation of Presidential election politics or an indication of a partisan fight over judicial confirmations. Those are raised as speculation or misreading what is happening in the Senate. The fact is that the cloture vote, which is now vitiated, had nothing to do with the judicial confirmation process in general or this nominee in particular.

There is, unfortunately, an element of partisan gridlock that is affecting this nomination, but it is not because of a Republican desire to block this nominee or to shut down the Senate floor. Republicans, in fact, have been demanding more access to the Senate floor. That gridlock is the majority leader's tactics to block amendments on the Senate floor.

Time after time the majority uses parliamentary procedure to prohibit amendments, block votes, and deny or limit debate. For example, last Thursday the Republican leader asked the majority leader if the anticipated business coming before the Senate, the Stabenow-Obama campaign tax bill, would be open for amendment. The majority leader responded that would be ''very doubtful.'' These actions, although they may be permitted by Senate rules, are contrary to the spirit of the Senate.

Certainly we are far from being the world's greatest deliberative body at this time. So when a Senator who seeks a vote on his amendment is stymied time after time, it is not surprising that the Senator would use Senator rules and procedures to bring pressure on the majority leader for a vote—in other words, to do exactly what the Senate was set up under the Constitution to do. There is a bit of sad irony that Senators who are facing obstructionism are the ones who are labeled obstructionist when they are persistent in trying to bring a matter to a vote, which is customary in the Senate.

Unfortunately, we are now seeing this obstructionism strategy creep into committee activity as well. Again, last Thursday the Judiciary Committee marked up an important national security bill. The bill was open to amendment but apparently only amendments the chairman agreed with. In the Judiciary Committee, we have a longstanding practice of voting up or down on difficult, controversial issues. What happened last week undermined the responsibility of the committee to debate and address important issues—in this case, national security. The Judiciary Committee is a forum for these debates.

The bill that was on the agenda is one of the few vehicles that will likely be passed before the end of the year, so it was an important and appropriate vehicle for addressing such issues once the chairman opened the amendment process by adopting his own substitute amendment. Instead, the partisan gridlock, driven by the majority leader's tactics to block amendments on the Senate floor, has now spread to the committee level with made-up germaneness rules and tabling motions forced on amendments, some of which had received bipartisan support from members of the Judiciary Committee in the past. The only conclusion that can be drawn is that the Senate majority leadership wants to protect its members at every step of the legislative process from having to make difficult votes, and the majority leadership will employ any procedure it can to duck debates and to govern.

Even as we turn to the 154th nominee of this President to be confirmed to the district or circuit courts, we continue to hear unsubstantiated charges of obstructionism. The fact is we have confirmed over 78 percent of President Obama's district nominees. At this point in his Presidency, 75 percent of President Bush's nominees had been confirmed. President Obama, in other words, is running ahead of President Bush on district confirmations as a percentage.

I continue to hear some of my colleagues repeatedly ask the question: What is different about this President that he is to be treated differently than all of these other Presidents? I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistently with past Senate practices.

As I stated, as a percentage of nominations, this President is running ahead of the previous President with regard to the number of confirmations. Let me put that in perspective for my colleagues with an apples-to-apples comparison. As I mentioned, we have confirmed 153 district and circuit nominees of this President. We have also confirmed two Supreme Court nominees. Everyone understands that the Supreme Court nominations take a great deal of committee time. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term, and during that term the Senate confirmed a total of 119 district and circuit court nominees. With Judge Shipp's confirmation today—which I support and which I think will be confirmed almost unanimously—we will have confirmed 35 more district and circuit court nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. This Presidential election year we have already exceeded those numbers. We have confirmed 5 circuit nominees, and this will be the 27th district judge confirmed.

Judge Shipp received his B.S. from Rutgers University in 1987 and his J.D. from the Seton Hall University School of Law in 1994. Upon graduation, he clerked for the Honorable James H. Colman, Jr., a justice on the Supreme Court of New Jersey. After his clerkship, Judge Shipp joined Skadden, Arps, Slate, Meagher & Flom LLP as a litigation associate. There, he worked in general litigation matters, handling labor and employment work. He also developed an expertise in mass tort law and products liability litigation.

In 2003, Judge Shipp became an assistant attorney general in charge of

consumer protection with the Department of Law and Public Safety of New Jersey. There, he managed five practice groups: consumer fraud prosecution, insurance fraud prosecution (civil), securities fraud prosecution, professional boards prosecution, and debt recovery. He supervised approximately 80 deputy attorneys general. In 2005, he was promoted to the Attorney General's front office. There, he acted as an advisor to the Attorney General on sensitive legal matters related to ethics and appointments.

In 2007, Judge Shipp was appointed as a United States magistrate judge for the District of New Jersey. As a magistrate judge he presides over civil and criminal pre-trial proceedings. He also presides over civil trials, with the consent of the parties. The ABA Standing Committee on the Federal Judiciary gave Judge Shipp a rating of substantial majority ''Qualified,'' minority ''Not Qualified.''

Mr. LEAHY. Mr. President, I ask unanimous consent to speak for 1 minute.

Mr. GRASSLEY. I ask unanimous consent to have 1 minute, then, too.

Mr. LEAHY. I have no objection. In fact, I will give a courtesy to the Senator from Iowa that he did not give to me, and I will be happy to yield 1 minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEAHY. Usually, Mr. President, it has been my experience that in 37 years in this Senate, as the second most senior Member here, if a Senator wants to come and attack another Senator, they have the courtesy of giving him notice before they do. I am sorry my friend from Iowa didn't follow the normal courtesy.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, for my 1 minute I will respond simply to that by saying that I am talking about the institution of the Senate and not one single Senator personally.

Mr. LEAHY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 25 seconds.

Mr. LEAHY. Mr. President, I yield to no Member of this body in the fact that I uphold not only the rules but the courtesies of this Senate. As chairman of the Senate Judiciary Committee, I have never cut off a Member of the other party who wished to speak, unlike some of the procedures they followed when they held the chair. I have never refused to have a Member of the other party bring up an amendment, contrary to the procedures they followed when they chaired it.

I believe in the Senate. I believe in the rules of the Senate, but especially I believe in the comity that Thomas Jefferson believed in, in this body; otherwise, the Senate would fall apart.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from California (Mrs. BOXER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Iowa (Mr. HARKIN), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado (Mr. UDALL) would have voted ''yea.''

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

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

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

The result was announced—yeas 91, nays 1, as follows:

[Rollcall Vote No. 182 Ex.]

YEAS—91

Akaka	Graham	Murray
Alexander	Grassley	Nelson (NE)
Ayotte	Hagan	Nelson (FL)
Barrasso	Heller	Paul
Baucus	Hoeven	Portman
Bennet	Hutchison	Pryor
Bingaman	Inhofe	Reed
Blumenthal	Inouye	Reid
Blunt	Isakson	Risch
Boozman	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Sessions
Carper	Kyl	Shaheen
Chambliss	Landrieu	Shelby
Coats	Lautenberg	Snowe
Coburn	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Toomey
Coons	Manchin	Udall (NM)
Corker	McCain	Vitter
Cornyn	McCaskill	Warner
Crapo	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feinstein	Mikulski	Wyden
Franken	Moran	
Gillibrand	Murkowski	

NAYS—1

Lee

NOT VOTING—8

Begich	DeMint	Kirk
Boxer	Harkin	Udall (CO)
Casey	Hatch	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CONRAD. Madam 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. CONRAD. Madam 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 LARRY CORUM

Mr. MCCONNELL. Madam President, I come before the Senate to recognize the entrepreneurial spirit of Mr. Larry Corum of London, KY. After serving in the United States military for over 20 years, in 1990 he opened a printing business and now is the manager of the London-Corbin Airport. Both his economic leadership and steadfast service to Laurel County make him a valuable asset to the London community.

Born and raised in Clay County, KY, upon his graduation from high school in 1958, Larry attended Sue Bennett College and Eastern Kentucky University. After graduating from EKU in 1965, he joined the U.S. Air Force and became an officer. While in his first years of service, Larry married his wife, Lois. Throughout his 20-year military career, the couple traveled around the country with their two children, Chris and Gienah. Finally in 1989, he retired from the Air Force as a lieutenant colonel and settled in London, KY.

In 1990, Larry opened an American Speedy Printing franchise in the London Shopping Center. After acquiring Durham Printing in 1998, the name of the company changed to Allegra Print and Imaging. In 2008, Larry left the business, entrusting his son, Chris, with running the day-to-day business operations, and became manager of the London-Corbin airport, which is the sixth-largest airport in the State of Kentucky.

Larry has served on many boards in the Laurel County area such as the American Red Cross, the United Way, SCORE, the London-Corbin Airport, Saint Joseph-London, and the executive board of the Chamber of Commerce. His contribution to the London-Laurel County Chamber of Commerce stemmed from a desire to grow the community economically. Through the Chamber of Commerce, Larry was able

to make an economic impact in London and improve the lives of his fellow Kentuckians.

Today, it is my honor to recognize Mr. Larry Corum for his contribution to the Laurel County economy through his own small business and his extensive service to the London-Laurel County Chamber of Commerce. His dedication to the community has made London, KY, an attractive area in which businesses can invest and grow. I ask my colleagues in the U.S. Senate to join with me in celebrating Mr. Larry Corum's service to the greater Laurel County, KY, area.

A recent article published in the Chamber News, a publication of the Laurel County-area newspaper the Sentinel Echo, highlighted Mr. Corum's accomplishments. I ask unanimous consent that said article appear in the RECORD.

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

[From the Chamber News: The Sentinel Echo, May 30, 2012]

BOARD OF DIRECTORS: LARRY CORUM

Larry Corum has served as manager of the London-Corbin Airport since February 2008. The airport is the sixth-largest and one of the busiest general aviation airports in the state of Kentucky. It serves as one of the important gateways for business and commerce to Laurel County and eastern Kentucky.

In 1990, Larry moved to Laurel County with his wife, Lois, and children, Chris and Gienah. Seeing a business opportunity and using his wife and sister for labor and as partners, he opened an American Speedy Printing franchise in the London Shopping Center. The business began to grow and was able to move to a stand-alone building on South Main Street in 1994. In 1998, a second building was acquired through the purchase of Durham Printing and the business name was changed to Allegra Print and Imaging. After completing college, both Chris and Gienah joined Larry in the business. Larry continued in the business until 2008, when he turned over the operation to his son, Chris, who has added sign-making capability. He now operates the business under the name of Allegra Print Sign and Design.

Larry grew up in Clay County, graduating from Clay County High School in 1958. He later attended Sue Bennett College and Eastern Kentucky University, graduating from EKU in 1965. Larry worked several jobs while completing his education, including teaching school in Clay County, Cleveland, Ohio, and Miami, Fla. In 1967, Larry joined the U.S. Air Force and became an officer. He then married his wife, Lois, and they began a grand adventure together traveling the world and making a career. In 1969, Larry was awarded his wings, assigned to an airplane in the strategic air command and moved to a permanent military base. Over the next 20 years, Larry served the Air Force as a flight crew member, flight instructor, flight evaluator, and command evaluator in the EC, KC, and RC–135 Aircraft. Larry, Lois, and their children lived in or visited most all of the 50 states and many foreign countries. Larry retired from the Air Force as a lieutenant colonel and the commander of the 384th Transportation Squadron, McConnell AFB, Wichita, Kan., in 1989.

Larry's involvement in the London-Laurel County Chamber of Commerce began when he opened his business in London with a ribbon cutting in 1990. He was later invited to join the board of directors. In addition, he has served on the board of the American Red Cross, the United Way of Laurel County, SCORE, London-Corbin airport, Saint Joseph-London, and the executive board of the Chamber. Larry is an active member, Sunday school teacher, and deacon of the First Baptist Church of London.

Larry believes that London and Laurel County is one of the best places in America to bring up a family and grow a small business. He feels that the Chamber can and will help with growth and community improvement. He is proud to be a member of this community and the London-Laurel County Chamber of Commerce Executive Board.

TRIBUTE TO COMMANDER JEFFREY SMITH

Mr. MCCONNELL. Madam President, today I rise in recognition of U.S. Navy CDR Jeffrey Smith, captain of the USS *Kentucky*. Commander Smith, a Kentucky native, is the youngest commanding officer of an *Ohio*-class submarine. The commander has accomplished great feats in his naval career and he proudly represents the State of Kentucky with everything he does. I know he is especially honored to command the ship that bears the name of our beloved Commonwealth.

Commander Smith was born in Covington, KY, and moved to Independence, KY, shortly thereafter. Upon graduating from Simon Kenton High School, he attended Xavier University and then transferred to the University of Kentucky. In 1995, Commander Smith graduated with a degree in physics and was commissioned in the Navy, where he began nuclear power training in Florida.

His dedicated service to the U.S. Navy brought him to the post of commanding officer of an *Ohio*-class submarine. The youngest man in his position, Commander Smith leads both the Gold and Blue Teams and is charged with overseeing the drills, maintenance, and day to day operations of the USS *Kentucky*.

Respected as a leader by his crew, Commander Smith also makes time to share his love of his State, the namesake of the submarine, with his men. After each announcement, it has become his trademark to lead the men in a round of ''Go Big Blue'' cheers. A true Kentucky Wildcats fan, he loves to talk University of Kentucky basketball and ''bracketology'' with his men come NCAA Tournament time. By sharing some of these beloved hallmarks of the Bluegrass State, Commander Smith not only shows his own pride in being a Kentuckian, but also provides his men a sense of attachment to the place for which their ship was named.

Commander Smith, besides being an avid UK Wildcats fan, enjoys reading, playing video games, and spending time with his four children. He credits his interests and leadership capabilities to his education from the University of Kentucky. From physics and engineering courses which enable him to effectively operate the ship, to psychology courses which allow him to understand his men and their attitudes in different situations, a diverse educational and experiential background allows Commander Smith to lead his men effectively.

It is my privilege today to recognize a Kentuckian who has truly devoted his life to the service of this Nation. A rising star in the U.S. Navy, CDR Jeffrey Smith has committed himself to excellence and to proudly representing the State of Kentucky. I ask my colleagues in the U.S. Senate to join me in saluting U.S. Navy CDR Jeffrey Smith.

A recent publication by the University of Kentucky newspaper the Kentucky Kernel highlighted the accomplishments of the Commander. Mr. President, I ask unanimous consent that said article appear in the RECORD.

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

[From University of Kentucky, Kentucky Kernel, July 3, 2012]

USS KENTUCKY'S COMMANDER IS A PROUD UK ALUM

(By Sarah Geegan)

There's just no telling where an education from the University of Kentucky can take you.

For U.S. Navy Cmdr. Jeffrey Smith, the journey that began at UK has taken him around the world and deep below the ocean's surface, as captain of the USS Kentucky, a nuclear submarine.

''Having been born in Kentucky and growing up there, I can't imagine any pride greater than serving as commander of the ship that bears my home state's name,'' says Smith, whose parents and sister still live in Kentucky.

Born in Covington and raised in Independence, Smith graduated from Simon Kenton High School and attended Xavier University for a year before transferring to UK. After graduating in 1995 with a bachelor's degree in physics, Smith was commissioned in the Navy and went to officer candidate school in Pensacola, Fla., where he began nuclear power training.

At 39, Smith is the youngest commanding officer of an Ohio-class submarine. The Kentucky—560 feet long and 42 feet in diameter, and producing around 18,000 tons of displacement—is about the size of the largest ships that worked during World War II. It has a crew complement of 160, and it is capable of sinking more than 800 feet and traveling faster than 25 knots. (''That's pretty much freeway speed for a submarine,'' Smith says.) The Kentucky's primary mission, as a strategic nuclear deterrent, is to provide a credible, survivable launch platform for ballistic missiles from sea.

The ship is really a world of its own, Smith says, and it's a complex world with tens of thousands of moving parts. For the commander of the Kentucky, a day's work involves taking care of the ship and making sure its crew members are prepared for any situation they could face while at sea.

''Life aboard a nuclear submarine is all about mitigating risk, while still making sure that you are able to perform your mission,'' Smith says. ''A submarine at sea is really a dangerous environment. Everywhere within reach, there are cables carrying high-voltage electricity. There are pipes containing rapidly moving sea water. There are

high-pressure hydraulics lines. And we live constantly within just a few feet of the most unforgiving, deadly, crushing environment, right on the other side of our hull—the deep sea. It's of paramount importance that we keep it on the other side of that hull.''

A naval submarine will operate at sea for about 50 to 100 days before coming back to port for a couple of months, during which time it undergoes a regimen of critical maintenance and a crew rotation. The Kentucky has two crews, a Blue Team and a Gold Team. Smith commands both.

While the Kentucky is under way, the daily routine is one of training, planning and maintenance. Breakfast begins at 05:00 (5 a.m.) and is over by 06:30, at which time the crew receives briefings before commencing drills at 08:00. Drills consist of simulations of various different situations that could be encountered aboard the ship, such as fires, floodings, and casualties.

On some days, the crew performs strategic exercises, in which the crew practices the tasks they could be asked to perform while on a mission—everything from processing messages to walking through a strategic launch. This part of the day is usually done by 15:00 (3 p.m.), followed by a few hours of planning, training, and debriefing before dinner at 17:00 hours. There's usually a movie for the crew around 20:00, and then it's lights out.

Running parallel to that daily routine, the ship maintains a regular watch schedule, in which at any given time, one-third of the crew is manning a watch station on their part of the ship. The watch shifts run for six hours in an 18-hour rotation.

In port, the routine centers around maintenance, with anywhere from 50 to 150 separate scheduled maintenance items every time the ship comes in.

''The scheduled maintenance on a car is a good comparison,'' Smith says. ''Think of all of the things that you have to check on your car every 5,000 miles. Well, a submarine is a lot bigger and a lot more complex than a car. And a typical car owner might keep their car for five or six years, while a submarine has to last for 40. So we have to ensure that the ship is in good shape for another whole generation of submariners.''

Smith says he works conscientiously to instill a sense of Kentucky pride in his crew. One of the first things he did after taking command was to implement ''Go Big Blue!'' as the ship's rallying cry. He ends every shipboard announcement over the loudspeaker with that call, and the crew echoes it back.

''I think you'll find it's true, on any of the ships named after a state, that the commanders will try to get the whole state-pride thing going among the crew,'' Smith says. ''I have just a little extra fire in my belly, being a native of Kentucky and a graduate of UK. My crew definitely knows that we're representing a great state.''

Smith says the education he received at UK has helped to prepare him for his role in the Navy in ways he couldn't even have imagined when he was a student some 20 years ago.

''The experience that I had in college—not just in physics, but the whole multidisciplinary aspect of what college is—has served me very well throughout my career,'' he says. ''I use the physics every day, and the engineering and math. But there's also philosophy—particularly the connection between philosophy and anthropology: How do we live in a multinational society? There's psychology, which helps me to be able to interpret the reactions of my crew in an objectively harsh environment. I use business management and financial accounting. Even the Russian I studied has served me well. There was not a single class that I took at UK that I have not gone back and leveraged in my career at some point.''

A lifelong Wildcat fan, Smith says he was thrilled to see the Cats bring home their eighth NCAA Championship this year. He offers his own, admittedly biased, take on bracketology:

''I tell my fellow officers that when you pick your bracket for the NCAA tournament, you need to realize that there is a Center of Awesomeness in the Universe, which is Rupp Arena, and the farther any team is based from there, the less of a chance they are going to have of making it to the Final Four.''

Smith is also father to four children. In his spare time, he enjoys reading broadly on diverse topics, including philosophy, poetry, and music. He is an avid video gamer, who welcomes challenges from his crew in just about any game imaginable.

''I try to remain as interdisciplinary as possible,'' he says.

TRIBUTE TO GLENN ''BUDDY'' WESTBROOK

Mr. MCCONNELL. Madam President, I rise today in recognition of Mr. Glenn ''Buddy'' Westbrook of London, Kentucky, and his service to both this nation and the State of Kentucky, specifically Laurel County and the surrounding region. Passionate about development of the London community, Mr. Westbrook worked to build the Laurel County economy and strengthen the tourism industry in southeastern Kentucky.

Born in 1930 to J. Hamp and Flo Pearl Westbrook, Buddy Westbrook was raised in London, Kentucky. His nickname, Buddy, stuck when his older sister, Madge, called him Buddy because she could not say Glenn. He began working at an early age when he helped his father separate type for the printing shop the family owned. Buddy enjoyed working because it made him feel grown up. However, like all boys, he enjoyed spending time outdoors, especially at Kidds Pond, and he also had a knack for getting into mischief, such as climbing telephone poles.

Buddy graduated from high school in London but during his sophomore year attended classes at Berea College to study chemistry. After high school he attended Sue Bennett College and worked in his father's gas and LP appliance store. Throughout his life, he was taught that civic duty and serving others was an important part of being a member of a community. In 1950, Buddy joined the U.S. Army and served in Germany during the Korean War.

When he returned to London, Buddy took over his family store. As an active member of the Jaycees, an organization that promotes community development, he was able to attend a conference in Ashland where he met his wife, Jeanne. The couple had eight children. In 1970, Governor Wendell Ford named Buddy to the Kentucky Institute for Children.

In 1975, Buddy was offered a position with the Cumberland Valley Area Development District. His service through this post was especially of benefit to the tourism industry in the region. Not only did Buddy and members of the commission share information about the region at travel shows, but he also organized the first Tourism Industry Development Symposium held in Lexington.

After the death of his wife, Jeanne, and son, Don, in 1983 and 1984, respectively, Buddy understandably endured some difficult times. However, a friend, Susan Mitchell, who later became his wife, helped him through this dark period. After retiring in 1993, Buddy organized Vision 2000 for London, Kentucky, a plan to define goals for the city which ultimately came to fruition during the new millennium.

Buddy Westbrook is truly an outstanding citizen of the London, Kentucky, community. Passionate about the development of Laurel County and the surrounding region, his lifetime commitment to economic and tourism development have proved to be invaluable to southeastern Kentucky. Buddy's dedication to his community is exemplary, and I am privileged today to recognize his many contributions to Kentucky. I ask my colleagues in the U.S. Senate to join me in celebrating Mr. Glenn ''Buddy'' Westbrook. A recent article published in the Sentinel-Echo, a Laurel County-area publication, highlighted his accomplishments. Mr. President, I ask unanimous consent that said article appear in the RECORD.

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

[From the Sentinel-Echo, May 2, 2012]

WESTBROOK: 'THIS IS MOST EXCITING TIME IN HISTORY'

(By Tara Kaprowy)

Upon opening the door for his Living Treasures interview, 81-year-old Glenn ''Buddy'' Westbrook announces he just has a couple of hours to chat; he's going four-wheeling on the Salt River with a friend and, with the spring morning warm and clear, time's, as they say, a-wastin'.

But upon stepping into his kitchen, it's clear Westbrook's interest hasn't completely been kidnapped by the prospect of ATVing. He's laid out his dining room table with croissants, marmalade and several types of tea in anticipation of the impending discussion—and, in his characteristic way, to make things lovely and enjoyable.

Westbrook was born June 14, 1930, to J. Hamp and Flo Pearl (Eversole) Westbrook. His mother was born in London and her maternal grandfather, J.N. Robinson, was the first photographer and jeweler in town. ''My mother's father was Roscoe Eversole, and he was the cashier of the First National Bank in London and was also mayor when they first started putting in sidewalks and culverts. Before that, it was boardwalks. And so I grew up with examples of leadership, a love of London and Laurel County, and an appreciation of the people.''

His father came from the cotton farms of Georgia and, together, he and Flo Pearl made a cozy home with their young family in an apartment above First National Bank. Westbrook's sister Madge was two years his elder and, unable to pronounce the name ''Glenn,'' he soon acquired the nickname

''Buddy,'' a moniker by which he is still known.

Hamp worked at the Corbin Times and later owned a printing shop in Corbin. From a young age, Westbrook helped his father, learning ''to separate cold type in a California box,'' he said.

''It wasn't done by a-b-c-d-e-f-g,'' he said. ''It was by the most-used letters, 'e' was in the center in the bigger box. It made me feel grown up.''

After Madge and Westbrook started attending school at Sue Bennett grade school, Flo Pearl went to work at First National Bank, a job she kept for the next 50 years.

With the family settling in a home his father built on East Fifth Street, Westbrook remembers a happy childhood. ''This was a wonderful place to grow up,'' he said. ''If you made any mistakes while you were in town, like climbing telephone poles or things like that, your parents knew by the time you got home. You got a lecture and often your backside got warmed.''

London was a friendly place to live, and ''people would come to town on Saturdays from farms, park their cars, park their horses and wagons behind the jail on Broad Street, and they'd come up on Main Street where all the businesses were located,'' he said. ''It was a time when doctors cared about you. They knew you, they loved you, and they wanted to heal you.''

Westbrook also described strict but caring teachers. ''We learned about patriotism and civic things,'' he said. ''We started learning at an early age that we were part of a whole.''

Evenings at the Westbrook house included the family ''watching the radio'' to listen to the evening news. Flo Pearl would read to her children from English and American authors and classic mythology. On warm summer afternoons, Westbrook said he and his friends would head to a small lake south of London close to the entrance of Levi Jackson Wilderness Road State Park.

''It was Kidds Pond,'' he said. ''They had dressing rooms and they charged you a quarter to swim all day and sometimes it was 10 cents. Of course, back then you could get a Coke for a nickel and hamburgers were a nickel.''

When he was looking for something to do, Westbrook would head to his grandmother's farm next to where E.C. Porter's IGA currently stands, where he learned how to ''milk a cow and how to churn and make butter.''

On December 7, 1941, Westbrook remembers ''playing in the front yard on his bicycle'' when his parents told him President Roosevelt had announced the Japanese had attacked Pearl Harbor. From that moment on, Westbrook's childhood changed. ''We followed everything about the war,'' he said. ''I saw the National Guard troops mount up over where the fire department is now on Dixie Street. They had horses and stables and they had a drill hall filled with sand with a roof over it and they would take the horses in there and do their formations in there. I remember seeing the troops mount up in the armory after World War II started and march up Main Street, go down to the depot and get on a train to go off to war.''

By the time he reached high school, Westbrook had decided he would become a ''brilliant chemist for Dupont'' and even went to Berea College in his sophomore year to study chemistry. He returned to London the following year to graduate. ''That was a wonderful experience,'' he said. ''London had a good basketball team, good cheerleaders and good teachers who cared.''

Following graduation, Westbrook enrolled in Sue Bennett College. Later, he worked at the appliance and LP gas store with his father. Westbrook said he was lucky to learn from his father ''how to build a business, care for customers, find what they needed, and have it for them.''

But Westbrook was lucky—jobs were scarce and veterans returning from WWII wanted to be able to live in Laurel County. That desire was granted when in 1949, London was chosen to be Kentucky's first ''Test City,'' an experiment in community development sponsored by the Kentucky Chamber of Commerce. Over the next 10 years, the effort attracted 2,500 new jobs to the area.

Part of the effort involved ''a big clean-up, paint-up, fix-up'' campaign in preparation for visits from industries, Westbrook said. ''Gradually the ramshackle buildings and sheds were torn down,'' he said. ''There was no law or anything, there was just pride. They wanted it to be part of helping it succeed. Weeded lots were mowed, progress reports were given every week in the newspaper.''

The experience profoundly affected Westbrook, who was greatly inspired by the community leaders who were spurring the effort. ''The leadership I saw, the people I respected, the veterans who came back from World War II and other leaders, they got together and I saw them cooperating and really dreaming, saying we could do this and let's try this to create jobs. Even though there would be the potential embarrassment of trying something and it not working, at least you felt like you should try it.''

Westbrook joined the Jaycees, the young men's organization active in community development.

In 1950, Westbrook was drafted in the U.S. Army during ''the Korean Police Action,'' but rather than be sent to Asia, was shipped to Germany where he taught soldiers about weapon surveillance and fire direction control in his artillery unit. He was also given the task of purchasing German wines for the military base.

Westbrook took full advantage of his time in Europe and sunk happily in its cultures. He learned to ski in the Alps, took photography lessons from ''an old German,'' learned French, German, and Italian, ate pizza and weinerschnitzel for the first time, and spent his time off travelling. ''I spent a week in Paris and got to go to every museum,'' he said. ''It was fun to be discovering these things. I got to see the Louvre. When I went in there, on the first landing, there was the Winged Victory of Samothrace and I said, Wow! They've got it here.' ''

When he was discharged in 1953, Westbrook returned to London, shed his dreams of becoming a chemist, and took over the family business. He quickly re-joined the Jaycees and upon his first annual meeting in Ashland, met the woman who was to become his first wife. ''The only single one was Jeanne Watts,'' he said. ''A year and a half later, we were married.''

They wed in Ashland and Westbrook returned to London with his bride. ''She was intelligent, she had her own way of doing things, she was thoughtful and caring, but she was also very independent,'' he said of Jeanne.

Together they had eight children—Joe, Amy, Don, Robert, David, Mary, Susan, and Leann. Jeanne kept the books and Buddy continued working at his businesses and diving into community issues. In 1970, he was appointed by Gov. Wendell Ford and later Gov. Julian Carroll to the Kentucky Commission for Children, which was renamed the Kentucky Institute for Children, and attended the president's 1970 White House Conference on Children and Youth.

After decades in the gas business, Westbrook decided to go into the wholesale kitchen-design business, one that later expanded into institutional food service for schools, hospitals and resorts.

With the majority of his business in eastern Kentucky, Westbrook soon discovered it was cheaper to get his instrument pilot's license and fly his men to Pikeville than it was to drive, so he bought a six-passenger Cessna and began his career in the air, flying the equivalent of eight times around the world.

''On the weekend, I could take my family and we'd leave here at noon and be on the beach in Florida in five hours,'' he remembered.

Spending time with his family was paramount to Westbrook, though he admits he was a ''strict disciplinarian.''

''I believe discipline is proof that you care about values that are important in life,'' he said. ''When my daughter Leann was born with Down syndrome, she thrived because of the help of her brothers and sisters. I stopped playing golf and our family did things together and we traveled as a family. We tried to teach them the need for unconditional love. They went to church and learned to pray. They still go to church.''

In 1975, still with a passion for leadership, Westbrook was asked to work for the Cumberland Valley Area Development District. Later, he worked to develop a stronger tourism industry in the region. ''We'd take our brochures and our booths and our pictures and travel to shows in Chicago and Indianapolis and Cincinnati and Detroit and people would come and see where to go on vacation,'' he said.

Eight years later, Jeanne was diagnosed with lung cancer and, with little treatment available, died August 2, 1983. Nine months later, Westbrook's son Don died after having an allergic reaction to a flu shot. It was a devastating time for Westbrook, who was still working and taking care of Leann.

Though he continued to go to work every day, he admitted he fell into a deep depression. ''When a child dies, it pulls something out of you and you're never, ever the same,'' he said.

Eventually, Westbrook was able to recover, in part with the help of Susan Mitchell, who would later become his wife. ''She helped me through the most difficult times of the grieving,'' he said. ''I was certainly not a very pleasant person to be around, and she told me years later I was the saddest person she had ever seen. I was so thankful to have a friend who knew what I was going through. She was my cheerleader.''

Together, Susan and Westbrook have a son, Reuben, and though no longer married, remain friends.

After 18 years with the development district, during which he organized the first Tourism Industry Development Symposium in Lexington, Westbrook retired in 1993. In advance of the new millennium, he organized Vision 2000, an effort to define London's goals and aspirations, many of which came to fruition. In 2010, he wrote a cookbook, ''Grandma's Heirloom Kentucky and Southern Recipes.'' He continues to live with Leann, ''who babysits her dad,'' and enjoys seeing his other children, 13 grandchildren, and five great-grandchildren. He attends St. William Catholic Church. And he remains deeply committed to London and his passion for progress.

At the end of his interview, he outlines ways to think outside the box, drawing several adjacent squares on a sheet of paper and asking how many are actually there. Pointing out how several small boxes form several larger ones, he talks about the importance of expanding one's mind. ''You have to be open minded, you can't just be closed to what was. It's exciting. This is the most exciting time in the history of mankind to be alive,'' he said and puts his pencil down.

HONORING OUR ARMED FORCES

SERGEANT MICHAEL E. RISTAU

Mr. GRASSLEY. Madam President, I rise to pay tribute to the life and service of SGT Michael E. Ristau, a native of Cascade, IA. He was killed on July 13, 2012 in Qalat, Zabul Province, Afghanistan while serving his country as part of Operation Enduring Freedom. He leaves behind his wife, Elizabeth, two sons, Hyle and Bradley, his parents, Randy and Suzanne, and many other family and friends. My prayers go out to them as they grieve his loss.

By all accounts, he was a brave soldier who was proud of serving his country. He had a long list of awards and decorations, including the Bronze Star and Purple Heart, Army Achievement Medal, Army Good Conduct Medal, with Oak Leaf Cluster, National Defense Service Medal, Afghanistan Campaign Medal, with Bronze Service Star, Iraq Campaign Medal, with two Bronze Service Stars, Global War on Terrorism Service Medal, Army Service Ribbon, NATO Medal, Non-Commissioned Officer Professional Development Ribbon, Valorous Unit Award, Meritorious Unit Commendation, and Combat Infantryman Badge.

Our Nation is truly blessed to have patriots like Sergeant Ristau who volunteer to serve their country, prepared to endure the daily sacrifices of a deployment and the horrors of combat, and knowing that they could make the ultimate sacrifice. About his military service, his family said, ''Michael had a passion for the military and was going to re-enlist.'' They also said that ''Michael was always looking out for others and helping them in any way possible.'' There is certainly no more selfless act than to give one's life to ensure that others may live in freedom. We cannot hope to ever fully repay the debt we owe Michael Ristau, but as he joins the illustrious ranks of our fallen patriots from the birth of our Nation to the present day, we have an obligation to honor his life and his sacrifice. We must always remember heroes like Michael Ristau and never take for granted the gift of liberty they have won for us.

ADDITIONAL STATEMENTS

HONORING KENNETH SAAVEDRA, JR.

• Mr. BLUMENTHAL. Madam President, for a few minutes, let us recall a young patriot, a military veteran, and a Connecticut son who tragically passed away on July 15, 2012. His name was Kenneth Saavedra, Jr. He was just 29 years old.

Kenneth was born in Bridgeport, CT and lived in Shelton for most of his life. He graduated from Shelton High School and the University of Connecticut. Kenneth was an electrician and worked for Sikorsky Aircraft.

But I speak about Kenneth today because of another job a different distinction that he held for a number of years: sergeant in the U.S. Army.

Kenneth Saavedra, Jr., served with the Army's 1st Battalion, 102nd Infantry Regiment, including two tours of duty in Afghanistan, and served with the National Guard for almost 10 years.

Kenneth was an American patriot. He selflessly dedicated his life to serving his country and never asked what he would receive in return. And after he came home from two tours in Afghanistan, he continued to stay active in veterans' causes as vice chair of the Teamsters Veterans Caucus Connecticut Chapter 1 and an avid supporter of the Wounded Heroes Fund.

This Saturday, Kenneth will be laid to rest in the Connecticut Veterans' Cemetery in Rocky Hill with full military honors. We owe a debt of gratitude to Kenneth Saavedra, Jr., and to military men and women like him who have risked everything to protect our Nation, and served and sacrificed, often at great cost to themselves. We must keep faith with them and make sure that we leave no veteran behind.

I want to offer my sincere condolences to Kenneth's parents, Evelyn and Kenneth Sr., as well as to his many family members and friends who are mourning his loss.•

GARDEN CITY, SOUTH DAKOTA

• Mr. JOHNSON of South Dakota. Madam President, today I wish to pay tribute to the 125th anniversary of the founding of Garden City, SD. Located in northeastern Clark County, Garden City is a proud small town, known for potato farming.

The townsite of Garden City was established in 1882 on 40 acres of land donated by Clarence Hayward, an early resident. Hayward was known as the father of the town because of his steadfast dedication to the well-being and improvement of Garden City. It is said that were it not for his aggressive advocacy, Garden City would not be a town.

The Chicago, Milwaukee & St. Paul Railroad was built in the town in 1887, bringing with it great prosperity. At that time, R.S. Carpenter donated a 40-acre parcel of land located just south of Garden City to the town. His wife is credited with naming the town, an honor granted to her by the railroad workers who were impressed by her hospitality. She had a love of flowers and saw parallels between the townsite and the Garden of Eden.

The year 1887 was important in the early history of Garden City. Besides the establishment of the railroad, 1887 was when the first buildings were constructed. There was a grocery store and hardware business built by William Morise and Charley Edwards, as well as a post office and a railroad depot. In following years, many business and civic organizations popped up to serve the growing population.

In the 20th century, Garden City earned notoriety for being a center of potato farming in South Dakota. Commercial potato farming first arrived around 1908, and by the 1940s, Garden City farms were yielding half a million bushels of potatoes each year.

Residents of Garden City plan to celebrate their town's 125th anniversary with a day full of activities for the whole family. Festivities will begin with a tractor parade, followed by a pork loin dinner, bean bag and horseshoe tournaments, and musical entertainment, all held in the park. At the Opera House, numerous mementos and antiquities will be on display to showcase the rich history of Garden City.

Garden City was founded by a determined group of pioneers, who fought hard for the preservation and advancement of their town. This legacy is evident to this day in the can-do spirit of its residents. I congratulate Garden City on reaching this historic milestone and wish them the best in the future.•

TRIBUTE TO VINCENT J. VACCA

• Mr. TESTER. Madam President, I wish to pay tribute to Vincent J. Vacca, a veteran of the first Gulf War. Vince, on behalf of all Montanans and all Americans, I stand to say thank you for your service to this nation. It is my honor to share the story of Vince Vacca's service in Operation Desert Storm, because no story of heroism should ever fall through the cracks.

Vince was born in New York but grew up in Libby, MT. When he was just a junior in high school, Vince decided to join the Navy headed to boot camp right after he graduated. On his first deployment, he was stationed on the U.S.S. Sylvania as an electricians mate.

Vince served in Operation Desert Storm from 1990 to 1991. He separated from the Navy in May of 1992 but re-enlisted in the Armed Services, this time in the U.S. Army in December of 1992.

In the Army, Vince graduated third in his class as a fire direction specialist in field artillery. Vince served in the Army until 1999. After his service, Vincent Vacca never received the medals he earned from either the Army or the Navy. Vince recently received his Army medals but couldn't get his Navy medals.

Earlier this month, in the presence of his family, it was my honor to finally present to Vince: the Navy Good Conduct Medal, the National Defense Service Medal, Southwest Asia Service Medal with two bronze stars, and the Navy Unit Commendation Ribbon. I also had the honor of presenting to Vince, the Kuwait Liberation Medal, based in Kuwait, the Sea Service Deployment Ribbon with one bronze star, and the Kuwait Liberation Medal, based in Saudi Arabia.

These seven decorations are small tokens, but they are powerful symbols of true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful Nation.•

LANDSAT SATELLITE PROGRAM

• Mr. UDALL of Colorado. Madam President, I wish to recognize and commemorate the Landsat satellite program on the 40th anniversary of the launch of the first Landsat satellite. While perhaps not as well known as some of our other satellite programs, the Landsat satellites are nevertheless wildly successful and critically important to scientific research and policymaking.

On September 21, 1966, Secretary of the Interior Stewart Udall announced the commencement of Project EROS—Earth Resources Observation Satellites. The goal of Project EROS was to create a program responsible for mapping the characteristics of the surface of the Earth, thereby helping us better understand Earth's natural resources and changing climate.

In the years following, the Department of the Interior, through the U.S. Geological Survey and partnering with the National Aeronautics and Space Administration, established the EROS Program, and on July 23, 1972, launched the first Landsat satellite responsible for Earth surface imaging. Over the last 40 years the United States launched six more Landsat satellites, ensuring continuous observation and creating a national archive of natural resource information. The next Landsat is scheduled to be launched in 2013.

Today Landsat is crucial, not only to environmental research and study, but to national policy and decisionmakers at all levels. Landsat collects data from across the United States from the forests of Washington and Oregon, to the changing wetlands and waterways of coastal Louisiana. It also collects data globally, mapping, for example, the arid regions of Saudi Arabia and Mexico and the shrinking Aral Sea and Lake Chad. Using the information gathered by these satellites, researchers are able to catalogue and compare changes in the land due to urbanization, deforestation, population growth, climate change, and natural disasters. This kind of analysis is critically important to local governments, farmers and ranchers, land managers, and many other decisionmakers.

For example, my home State of Colorado has been deeply affected by wildfires this year. Drought, climate change, and fire suppression have combined to make this one of the most destructive wildfire seasons in Colorado history. Landsat satellites collect data measuring water consumption by plants, bark beetle infestation, forest health, fuel loads, and even environmental recovery data from these damaging fires. Given this information, we can better combat wildfires both on the front lines and through our decisions here in Washington.

Not only does Landsat data benefit Colorado decisionmakers, but the satellites themselves have a strong Colorado pedigree. Ball Aerospace, located in Boulder, CO, is a key contributor to the development and progress of the Landsat program. Ball developed and constructed several vital components of the Landsat mission, most notably the Operational Land Imager, which allows for detailed imaging and a complete scan of the entire globe every 16 days.

I want to congratulate all those who have been associated with the Landsat legacy over the past 40 years on fulfilling Secretary Udall's vision so ably. Their tireless dedication has been a true benefit to all Americans and the world.•

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY ORIGINALLY DECLARED IN EXECUTIVE ORDER 13536 ON APRIL 12, 2010 WITH RESPECT TO SOMALIA, RECEIVED DURING ADJOURNMENT OF THE SENATE JULY 20, 2012—PM 58

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') taking additional steps with respect to the national emergency declared in Executive Order 13536 of April 12, 2010 (E.O. 13536).

In E.O. 13536, I found that that the deterioration of the security situation and the persistence of violence in Somalia, and acts of piracy and armed robbery at sea off the coast of Somalia, which have repeatedly been the subject of United Nations Security Council resolutions, and violations of the arms embargo imposed by the United Nations Security Council in Resolution 733 of January 23, 1992, and elaborated upon and amended by subsequent resolutions, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To address that threat, E.O. 13536 blocks the property and interests in property of persons listed in the Annex to E.O. 13536 or determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet criteria specified in E.O. 13536.

In view of United Nations Security Council Resolution 2036 of February 22, 2012, and Resolution 2002 of July 29, 2011, I am issuing the order to take additional steps to deal with the national emergency declared in E.O. 13536 and to address exports of charcoal from Somalia, which generate significant revenue for al-Shabaab; the misappropriation of Somali public assets; and certain acts of violence committed against civilians in Somalia, all of which contribute to the deterioration of the security situation and the persistence of violence in Somalia.

The order prohibits the importation into the United States, directly or indirectly, of charcoal from Somalia. It also amends the designation criteria specified in E.O. 13536. As amended by the order, E.O. 13536 provides for the designation of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to:

Have engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to: Acts that threaten the Djibouti Agreement of August 18, 2008, or the political process; acts that threaten the Transitional Federal Institutions or future Somali governing institutions, the African Union Mission in Somalia (AMISOM), or other future international peacekeeping operations related to Somalia; or acts to misappropriate Somali public assets;

Have obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

Have directly or indirectly supplied, sold or transferred to Somalia, or to have been the recipient in the territory of Somalia of, arms or any related materiel, or any technical advice, training, or assistance, including financing and financial assistance, related to military activities;

Be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of acts of violence targeting civilians in Somalia, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals, taking hostages, and forced displacement;

Be a political or military leader recruiting or using children in armed conflict in Somalia;

Have engaged, directly or indirectly, in the import or export of charcoal from Somalia on or after February 22, 2012;

Have materially assisted, sponsored, or provided financial, material, logistical or technical support for, or goods or services in support of, the activities described above or any person whose property and interests in property are blocked pursuant to E.O. 13536; or

Be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to E.O. 13536.

The designation criteria will be applied in accordance with applicable Federal law including, where appropriate, the First Amendment to the United States Constitution. In view of United Nations Security Council Resolution 2002 of July 29, 2011, persons who engage in non-local commerce via al-Shabaab-controlled ports that constitutes support for a person whose property and interests in property are blocked pursuant to E.O. 13536 may be subject to designation pursuant to E.O. 13536, as amended by the order.

The order was effective at 2:00 p.m. eastern daylight time on July 20, 2012. I have delegated to the Secretary of the Treasury, in consultation with the Secretary of State, the authority to take such actions, including the promulgation of rules and regulations, and to employ all power's granted to the President by IEEPA as may be necessary to carry out the purposes of the order. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, *July 20, 2012*.

MESSAGE FROM THE HOUSE

At 2:03 p.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 bill, in which it requests the concurrence of the Senate:

H.R. 5856. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 133. Concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal to Arnold Palmer, in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2527) to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5856. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 3414. A bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

H.R. 5872. An act to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3420. A bill to permanently extend the 2001 and 2003 tax cuts, to provide for permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1039. A bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes (Rept. No. 112–191).

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. REED (for himself and Mr. GRASSLEY):

S. 3416. A bill to enhance civil penalties under the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself and Mr. MCCONNELL):

S. 3417. A bill to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform; to the Committee on Finance.

By Mr. WYDEN:

S. 3418. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries; to the Committee on Armed Services.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, and Mr. AKAKA):

S. 3419. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEE (for himself, Mr. RUBIO, Mr. RISCH, Mr. DEMINT, Mr. CORNYN, Mr. VITTER, and Mr. JOHNSON of Wisconsin):

S. 3420. A bill to permanently extend the 2001 and 2003 tax cuts, to provide for permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes; read the first time.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. BROWN of Ohio, Mr. BLUMENTHAL, and Mr. AKAKA):

S. 3421. A bill to establish an Employee Ownership and Participation Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S. 3422. A bill to prohibit the sale of billfish and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself, Mr. LIEBERMAN, and Mr. WHITEHOUSE):

S. 3423. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

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, Mr. LUGAR, Mr. WEBB, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN):

S. Res. 524. A resolution reaffirming the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 102

At the request of Mr. MCCAIN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 202

At the request of Mr. PAUL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 343

At the request of Mr. BINGAMAN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 343, a bill to amend Title I of PL 99–658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99–658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

S. 387

At the request of Mrs. BOXER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 845

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S.

845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule.

S. 866

At the request of Mr. TESTER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 866, a bill to amend title 10, United States Code, to modify the per-fiscal year calculation of days of certain active duty or active service used to reduce the minimum age at which a member of a reserve component of the uniformed services may retire for non-regular service.

S. 896

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 896, a bill to amend the Public Land Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the value of public service.

S. 933

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 933, a bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteer firefighters and emergency medical responders.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Idaho (Mr. CRAPO) 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. 1368

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1368, a bill to amend the Patient Protection and Affordable Care Act to repeal distributions for medicine qualified only if for prescribed drug or insulin.

S. 1372

At the request of Mr. REED, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1372, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) 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. 1806

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1806, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund.

S. 1832

At the request of Mr. ENZI, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1843

At the request of Mr. ISAKSON, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1843, a bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

S. 1911

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1911, a bill to amend the Internal Revenue Code of 1986 to provide recruitment and retention incentives for volunteer emergency service workers.

S. 1929

At the request of Mr. BLUMENTHAL, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1956

At the request of Mr. THUNE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1956, a bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

S. 2093

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2093, a bill to establish pilot programs to encourage the use of shared appreciation mortgage modifications, and for other purposes.

S. 2201

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. FRANKEN) 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. 2283

At the request of Mr. TESTER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2283, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3248

At the request of Mr. ENZI, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 3248, a bill to designate the North American bison as the national mammal of the United States.

S. 3290

At the request of Mr. VITTER, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3325

At the request of Mr. BEGICH, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3325, a bill to authorize the Secretary of Health and Human Services, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, in coordination with the Secretary of Education, to carry out a 5-year demonstration program to fund mental health first aid training programs at 10 institutions of higher education to improve student mental health.

S. 3352

At the request of Mr. BINGAMAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 3352, a bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes.

S. 3372

At the request of Mr. WEBB, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Montana

(Mr. BAUCUS), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Delaware (Mr. CARPER), the Senator from Pennsylvania (Mr. CASEY), the Senator from Delaware (Mr. COONS), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from North Carolina (Mrs. HAGAN), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Wisconsin (Mr. KOHL), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. MANCHIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Rhode Island (Mr. REED), the Senator from Nevada (Mr. REID), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Michigan (Ms. STABENOW), the Senator from New Mexico (Mr. UDALL), the Senator from Rhode Island (Mr. WHITEHOUSE), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 3372, a bill to amend section 704 of title 18, United States Code.

S. 3392

At the request of Mr. BROWN of Ohio, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 3392, a bill to amend the Securities Exchange Act of 1934, to require the disclosure of the total number of the domestic and foreign employers of issuers.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Illinois (Mr. KIRK), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. RES. 494

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 494, a resolution condemning the Government of the Russian Federation for providing weapons to the regime of President Bashar al-Assad of Syria.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself and Mr. GRASSLEY):

S. 3416. A bill to enhance civil penalties under the Federal securities laws, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Today I am introducing bipartisan legislation to address a matter that I explored as chairman of the Banking Subcommittee on Securities, Insurance, and Investment. During a series of hearings, it became increasingly clear to me that in order to protect taxpayers and investors, we need tougher anti-fraud laws and better oversight of Wall Street. Some of these institutions that are ''too big to fail'' have also become ''too big to care.'' We need to end the cycle of misconduct where such institutions can look at the bottom line and see they can break the law, get caught, pay a nominal fine, and still profit.

At a Securities and Exchange Commission, SEC, oversight hearing I held in November 2011, I asked Robert Khuzami, director of the Division of Enforcement at the SEC, why a recently proposed settlement with Citigroup had been thrown out by a Federal judge in the Southern District of New York, who believed it to be egregiously low. Mr. Khuzami replied that the SEC's ability to assess penalties was actually limited by the statute. In follow-up questions, I directly asked if Congress should consider raising these limits, especially in cases involving repeated offenders. I subsequently received a letter from SEC Chairman Schapiro, and written answers from Mr. Khuzami, supporting the need to raise the limits and make other improvements to the SEC civil enforcement statute.

As a result, I am introducing today with my colleague, Senator CHUCK GRASSLEY, the Stronger Enforcement of Civil Penalties Act of 2012 or the SEC Penalties Act. This bill will strengthen the ability of the SEC to crack down on violations of securities laws by updating its civil penalties statute. This legislation will ensure that the punishment better fits the crime by increasing the statutory limits on civil monetary penalties, directly linking the size of these penalties to the scope of harm and associated investor losses, and substantially raising the financial stakes for repeat offenders of our nation's securities laws.

Our bill will increase the per violation cap for the most egregious securities laws violations to $1 million per offense for individuals and $10 million per offense for entities. This will help ensure that the SEC's most severe, or ''tier three,'' penalties will help deter people from engaging in the most serious offenses, rather than have such wrongdoing be viewed as just the cost of doing business. Under existing law, the SEC can only penalize individual securities law violators a maximum of $150,000 per offense and institutions $725,000 per offense.

Our bill will also toughen penalties by allowing penalties equal to three times the economic gain of the violator. It also provides a new calculation method that includes the amount of associated investor losses as part of the penalty determination. This should allow the SEC to address situations where the actual economic gain to the violator is relatively small compared to the extent of the wrongdoing or the harm caused to investors.

In the recent case involving Citigroup, existing law did not even entitle the SEC to recover the amount actually lost by investors. Estimated investors losses were about $700 million, but the SEC proposed to settle the case with Citigroup for only $285 million. This amount was what was estimated to be close to the total monetary recovery that the SEC itself could have obtained if it had gone to trial. Under our bill, this amount could have been much larger, and would have taken into account the economic gain to Citigroup, in addition to investor losses.

Recent reports have highlighted the level of repeat offenses that have occurred on Wall Street and gone unchecked. The SEC Penalties Act includes two statutory changes that would substantially improve the ability of the SEC's enforcement program to ratchet up penalties as recidivism occurs.

One would allow the SEC to triple the applicable penalty cap for recidivists who, within the preceding five years, have been criminally convicted of securities fraud or been the subject of a judgment or order imposing monetary, equitable, or administrative relief in any action alleging SEC fraud.

The other would allow the SEC to seek a civil penalty if an individual or entity has violated an existing federal court injunction or bar imposed by the SEC. Many believe this approach would be more efficient, effective, and flexible than the current civil contempt remedy.

Finally, under the SEC Penalties Act, the penalty relief available in administrative proceedings will be the same as it is in district court. In essence, the SEC will be able to assess these types of penalties in-house, and not just obtain them in federal court.

Given the JP Morgan trading scandal, issues arising from the Facebook IPO, and the manipulation of LIBOR, it

is clear much still needs to be done to improve transparency and restore confidence in our financial system. The nearly one-half of all U.S. households that own securities deserve a strong cop on the beat that has the tools it needs to go after fraudsters and the difficult cases arising from our increasingly complex financial markets. Our economy's success depends in no small part on restoring confidence in our capital markets.

The SEC Penalties Act will help by giving the SEC more tools to demand meaningful accountability from Wall Street. It will enhance the SEC's ability to protect investors and crack down on fraud and I urge my colleagues to cosponsor and join us in supporting this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3416

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 ''Stronger Enforcement of Civil Penalties Act of 2012''.

SEC. 2. UPDATED CIVIL MONEY PENALTIES FOR SECURITIES LAWS VIOLATIONS.

(a) SECURITIES ACT OF 1933.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h–1(g)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$7,500'' and inserting ''$10,000''; and

(ii) by striking ''$75,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$75,000'' and inserting ''$100,000''; and

(ii) by striking ''$375,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in—

''(aa) substantial losses or created a significant risk of substantial losses to other persons; or

''(bb) substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) MONEY PENALTIES IN CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended—

(A) in clause (i)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in clause (ii)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in clause (iii), by striking ''greater of (I) $100,000 for a natural person or $500,000 for any other person, or (II) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(I) $1,000,000 for a natural person or $10,000,000 for any other person;

''(II) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(III) the amount of losses incurred by victims as a result of the violation''.

(2) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended—

(A) in paragraph (1)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in paragraph (2)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending paragraph (3) to read as follows:

''(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), the amount of penalty for each such act or omission shall not exceed the greater of—

''(A) $1,000,000 for a natural person or $10,000,000 for any other person;

''(B) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(C) the amount of losses incurred by victims as a result of the act or omission, if—

''(i) the act or omission described in subsection (a) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(ii) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(c) INVESTMENT COMPANY ACT OF 1940.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

(d) INVESTMENT ADVISERS ACT OF 1940.—

(1) MONEY PENALTIES IN ADMINISTRATIVE ACTIONS.—Section 203(i)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(i)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) by amending subparagraph (C) to read as follows:

''(C) THIRD TIER.—Notwithstanding subparagraphs (A) and (B), the amount of penalty for each such act or omission shall not exceed the greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to the person who committed the act or omission; or

''(iii) the amount of losses incurred by victims as a result of the act or omission, if—

''(I) the act or omission described in paragraph (1) involved fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement; and

''(II) such act or omission directly or indirectly resulted in substantial losses or created a significant risk of substantial losses to other persons or resulted in substantial pecuniary gain to the person who committed the act or omission.''.

(2) MONEY PENALTIES IN CIVIL ACTIONS.—Section 209(e)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking ''$5,000'' and inserting ''$10,000''; and

(ii) by striking ''$50,000'' and inserting ''$100,000'';

(B) in subparagraph (B)—

(i) by striking ''$50,000'' and inserting ''$100,000''; and

(ii) by striking ''$250,000'' and inserting ''$500,000''; and

(C) in subparagraph (C), by striking ''greater of (i) $100,000 for a natural person or $500,000 for any other person, or (ii) the gross amount of pecuniary gain to such defendant as a result of the violation'' and inserting the following: ''greater of—

''(i) $1,000,000 for a natural person or $10,000,000 for any other person;

''(ii) 3 times the gross amount of pecuniary gain to such defendant as a result of the violation; or

''(iii) the amount of losses incurred by victims as a result of the violation''.

SEC. 3. PENALTIES FOR RECIDIVISTS.

(a) SECURITIES ACT OF 1933.—

(1) CEASE-AND-DESIST PROCEEDINGS.—Section 8A(g)(2) of the Securities Act of 1933 (15 U.S.C. 77h–1(g)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(2) INJUNCTIONS AND PROSECUTION OF OFFENSES.—Section 20(d)(2) of the Securities Act of 1933 (15 U.S.C. 77t(d)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—

(1) CIVIL ACTIONS.—Section 21(d)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)(B)) is amended by adding at the end the following:

''(iv) FOURTH TIER.—Notwithstanding clauses (i), (ii), and (iii), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such clauses if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(2) ADMINISTRATIVE PROCEEDINGS.—Section 21B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78u–2(b)) is amended by adding at the end the following:

''(4) FOURTH TIER.—Notwithstanding paragraphs (1), (2), and (3), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such paragraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(c) INVESTMENT COMPANY ACT OF 1940.—

(1) INELIGIBILITY OF CERTAIN UNDERWRITERS AND AFFILIATES.—Section 9(d)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–9(d)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''.

(2) ENFORCEMENT.—Section 42(e)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)(2)) is amended by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

(d) INVESTMENT ADVISERS ACT OF 1940.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended—

(1) in section 203(i)(2) (15 U.S.C. 80b–3(i)(2)), by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such act or omission shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such act or omission, the person who committed the act or omission was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that person.''; and

(2) in section 209(e)(2) (15 U.S.C. 80b–9(e)(2)) by adding at the end the following:

''(D) FOURTH TIER.—Notwithstanding subparagraphs (A), (B), and (C), the maximum amount of penalty for each such violation shall be 3 times the otherwise applicable amount in such subparagraphs if, within the 5-year period preceding such violation, the defendant was criminally convicted for securities fraud or became subject to a judgment or order imposing monetary, equitable, or administrative relief in any Commission action alleging fraud by that defendant.''.

SEC. 4. VIOLATIONS OF INJUNCTIONS AND BARS.

(a) SECURITIES ACT OF 1933.—Section 20(d) of the Securities Act of 1933 (15 U.S.C. 77t(d)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 8A.''.

(b) SECURITIES EXCHANGE ACT OF 1934.—Section 21(d)(3) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(3)) is amended—

(1) in subparagraph (A), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending subparagraph (D) to read as follows:

''(D) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(i) IN GENERAL.—Each separate violation of an injunction or order described in clause (ii) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(ii) INJUNCTIONS AND ORDERS.—Clause (i) shall apply with respect to an action to enforce—

''(I) a Federal court injunction obtained pursuant to this title;

''(II) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(III) a cease-and-desist order entered by the Commission pursuant to section 21C.''.

(c) INVESTMENT COMPANY ACT OF 1940.—Section 42(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–41(e)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a Federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 9(f).''.

(d) INVESTMENT ADVISERS ACT OF 1940.—Section 209(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–9(e)) is amended—

(1) in paragraph (1), by inserting after ''the rules or regulations thereunder,'' the following: ''a federal court injunction or a bar obtained or entered by the Commission under this title,''; and

(2) by amending paragraph (4) to read as follows:

''(4) SPECIAL PROVISIONS RELATING TO A VIOLATION OF AN INJUNCTION OR CERTAIN ORDERS.—

''(A) IN GENERAL.—Each separate violation of an injunction or order described in subparagraph (B) shall be a separate offense, except that in the case of a violation through a continuing failure to comply with such injunction or order, each day of the failure to comply with the injunction or order shall be deemed a separate offense.

''(B) INJUNCTIONS AND ORDERS.—Subparagraph (A) shall apply with respect to any action to enforce—

''(i) a Federal court injunction obtained pursuant to this title;

''(ii) an order entered or obtained by the Commission pursuant to this title that bars, suspends, places limitations on the activities or functions of, or prohibits the activities of, a person; or

''(iii) a cease-and-desist order entered by the Commission pursuant to section 203(k).''.

By Mr. WYDEN:

S. 3418. A bill to amend title 10, United States Code, to require the Secretary of Defense to use only human-based methods for training members of the Armed Forces in the treatment of severe combat injuries; to the Committee on Armed Services.

Mr. WYDEN. Mr. President, I rise today to discuss military medical training, and specifically, the use of live animals in trauma training.

Many Americans may be unaware that the Military still uses live pigs and goats in combat trauma training courses to train military personnel to treat battlefield injuries. This is an outdated and inefficient training method that does not fully prepare doctors and medics to treat wounded service members.

For many years, medical simulation has not been able to provide a training experience superior to animal-based live tissue training, but the newest generation of simulators can do just that. These simulators are based on human anatomy and recreate the feeling, the sights, and the sounds of treating a wounded service member.

In current military training, live pigs and goats are anesthetized while trainees perform critical procedures on them. In some cases, the animals are shot in the face or have limbs amputated while the trainees are instructed to keep them alive as long as possible. This is inhumane, but more importantly, it is like comparing apples and oranges—this does not teach service members how to treat a human soldier, only how to operate on a goat or pig. And while live tissue training has some value in getting trainees accustomed to the sight of blood, medical simulation can now do the same, and has become the new gold standard.

In civilian medical training courses, which teach many of the same procedures as the military, simulators have almost universally replaced the use of live animals. The reason for this is simple; to learn how to treat human injuries, you must learn on human anatomy. Medical simulation can now replicate that anatomy while providing the emotional and psychological pressure of working on a living, wounded soldier.

Let me say that I applaud the investments that the Department of Defense has made in the area of simulation. No one has invested more in simulation technology than the Military. But the problem that I see is that despite millions of dollars in investments, simulator technology is not being fully utilized.

Speaking of costs, in addition to providing superior training and reducing animal suffering, a move away from live tissue training would save taxpayer dollars. Due to the many hidden costs of animal use, such as housing and feeding the animals, purchasing drugs for euthanasia and anesthesia, and keeping a veterinarian on staff, simulation can offer a better training experience at a lower cost.

But at the end of the day this is about providing the best possible training for our troops, because in military medicine the difference between the best training and the next best can literally mean the difference between life and death.

For these reasons I introduced today the Battlefield Excellence through Superior Training Practices, or BEST Practices Act. This legislation lays out a timeline for the Department of Defense to develop and fully implement innovative simulator technology in medical training, and to phase out live tissue training on animals in the process.

I want to note that I designed this legislation with a specific waiver authority for the Secretary of Defense, so that if there is a specific procedure that can only be best taught with live tissue use, that option is not removed. But the BEST Practices Act is primarily designed to engage the Pentagon to embrace this technology, continue further development, and incorporate this technology in military training in all cases where simulators provide the best result.

Just as we have seen with other technologies, the advancements in medical simulation are increasing at an exponential rate. The capabilities currently in place and under development are truly amazing. The BEST Practices Act capitalizes on these present and future capabilities, and uses them to save the lives of our service members.

By Mr. REED (for himself, Mr. LIEBERMAN, and Mr. WHITEHOUSE):

S. 3423. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REED. Mr. President, today I am introducing, along with my colleagues from Rhode Island and Connecticut, Senators WHITEHOUSE and LIEBERMAN, legislation to authorize the National Park Service to study specific sections of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in Rhode Island and Connecticut for potential addition to the National Wild and Scenic Rivers System. Our legislation seeks to bring greater attention to and resources for efforts to protect and restore the health of these rivers through the evaluation of their recreational, natural, and historical qualities and whether they are suitable for designation as Wild and Scenic Rivers.

The recreational and scenic wealth of the Wood-Pawcatuck watershed is a natural treasure. The National Park Service's Rivers and Trails Conservation Assistance program conducted a planning and conservation study in the 1980s which concluded, in part, that the waters of the Wood and Pawcatuck Rivers corridor in Rhode Island ''are the cleanest and purest and its recreational opportunities are unparalleled by any other river system in the state.''

These rivers also provide opportunities for outdoor recreation and tourism that contribute to the local economy. Not only do its rivers provide easy access to the wilderness for family outings and school field trips, but they also offer ways to explore our heritage throughout the watershed, from Native American fishing grounds to Colonial and early industrial mill ruins. The rivers also provide opportunities for trout fishing, canoeing, bird watching, and hiking.

I have long supported the protection and restoration of Southern New England's watersheds and estuaries, including the Narragansett Bay, and this study is an important first step in determining future opportunities for protection and recreational enjoyment of the rivers in the Wood-Pawcatuck watershed. Our states have been excellent stewards of these rivers, and this study would enhance existing local and State efforts to preserve and manage this open space and its wildlife habitat.

Indeed, partnerships are key to broad restoration and management of our resources, and it is expected that this study would be conducted in close cooperation with the affected communities, state agencies, local governments, and other interested organizations. The partnership-based approach also allows for development of a proposed river management plan as part of the study, which could address issues ranging from fish passage to the restoration of wetlands to assist with flood mitigation, as well as balance the

recreational opportunities that contribute to the local economies with preservation of the natural resources.

This is a two State initiative that will encompass both Rhode Island and Connecticut, and will help protect these resources for future generations to enjoy.

I commend Representatives LANGEVIN and COURTNEY for spearheading this effort in the other body, and I look forward to working with all of my colleagues to initiate the process to study the rivers of the Wood-Pawcatuck Watershed for inclusion in the National Wild and Scenic Rivers System.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 524—REAFFIRMING THE STRONG SUPPORT OF THE UNITED STATES FOR THE 2002 DECLARATION OF CONDUCT OF PARTIES IN THE SOUTH CHINA SEA AMONG THE MEMBER STATES OF ASEAN AND THE PEOPLE'S REPUBLIC OF CHINA, AND FOR OTHER PURPOSES

Mr. KERRY (for himself, Mr. LUGAR, Mr. WEBB, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 524

Whereas the Association of Southeast Asian Nations (ASEAN) plays a key role in strengthening and contributing to peace, stability, and prosperity in the Asia-Pacific region;

Whereas the vision of the ASEAN Leaders in their goals set out in the ASEAN Charter to integrate ASEAN economically, politically, and culturally furthers regional peace, stability, and prosperity;

Whereas the United States Government recognizes the importance of a strong, cohesive, and integrated ASEAN as a foundation for effective regional frameworks to promote peace and security and economic growth and to ensure that the Asia-Pacific community develops according to rules and norms agreed upon by all of its members;

Whereas the United States is enhancing political, security and economic cooperation in Southeast Asia through ASEAN, and seeks to continue to enhance its role in partnership with ASEAN and others in the region in addressing transnational issues ranging from climate change to maritime security;

Whereas the United States Government welcomes the development of a peaceful and prosperous China which respects international norms, international laws, international institutions, and international rules, and enhances security and peace, and seeks to advance a ''cooperative partnership'' between the United States and China;

Whereas ASEAN plays an important role, in partnership with others in the regional and international community, in addressing maritime security issues in the Asia-Pacific region and into the Indian Ocean, including open access to the maritime commons of Asia;

Whereas the South China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce between the Pacific and Indian oceans;

Whereas, in the declaration on the conduct of parties in the South China Sea, the governments of the member states of ASEAN and the Government of the People's Republic of China have affirmed ''that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region'' and have agreed to work towards the attainment of a code of conduct;

Whereas, pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China have committed to ''exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals, and other features and to handle their differences in a constructive manner'';

Whereas, pending the peaceful settlement of territorial and jurisdictional disputes, the member states of ASEAN and the People's Republic of China affirmed their commitment ''to the freedom of navigation in and overflight of the South China Sea provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea''; and

Whereas, although not a party to these disputes, the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the strong support of the United States for the 2002 declaration of conduct of parties in the South China Sea among the member states of ASEAN and the People's Republic of China;

(2) supports the member states of ASEAN, and the Government of the People's Republic of China, as they seek to adopt a legally-binding code of conduct of parties in the South China Sea, and urges all countries to substantively support ASEAN in its efforts in this regard;

(3) strongly urges that, pending adoption of a code of conduct, all parties, consistent with commitments under the declaration of conduct, ''exercise self-restraint in the conduct of activities that would complicate or escalate disputes and stability, including, among others, refraining from action of inhabiting presently uninhabited islands, reefs, shoals and other features and to handle their differences in a constructive manner'';

(4) supports a collaborative diplomatic process by all claimants for resolving outstanding territorial and jurisdictional disputes, allowing parties to peacefully settle claims and disputes using international law;

(5) reaffirms the United States commitment—

(A) to assist the nations of Southeast Asia to remain strong and independent;

(B) to help ensure each nation enjoys peace and stability;

(C) to broaden and deepen economic, political, diplomatic, security, social, and cultural partnership with ASEAN and its member states; and

(D) to promote the institutions of emerging regional architecture and prosperity; and

(6) supports enhanced operations by the United States armed forces in the Western Pacific, including in the South China Sea, including in partnership with the armed forces of others countries in the region, in support of freedom of navigation, the maintenance of peace and stability, respect for international law, including the peaceful resolution of issues of sovereignty, and unimpeded lawful commerce.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2567. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2567. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. RIGHT TO WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on July 26, 2012, in room SD–628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled ''Regulation of Tribal Gaming: From Brick & Mortar to the Internet.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 31, 2012, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 3385, a bill to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150, or by email to john_assini@Kenergy.senate.gov.

For further information, please contact Patricia Beneke (202) 224–5451 or John Assini (202) 224–9313.

MEASURES PLACED ON THE CALENDAR—S. 3414 AND H.R. 5872

Mr. CONRAD. Madam President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 3414) to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

An act (H.R. 5872) to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

Mr. CONRAD. On behalf of the majority leader, I object to any further proceedings with respect to these bills en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 3420

Mr. CONRAD. Madam President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3420) to permanently extend the 2001 and 2003 tax cuts, to provide for permanent alternative minimum tax relief, and to repeal the estate and generation-skipping transfer taxes, and for other purposes.

Mr. CONRAD. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

APPOINTMENTS

THE PRESIDING OFFICER. The Chair, on behalf of the majority leader and the Republican leader, pursuant to the Public Law 110–298, reappoints the following individual to serve as a member of the Federal Law Enforcement Congressional Badge of Bravery Board: Richard Gardner of Nevada.

THE PRESIDING OFFICER. The Chair, on behalf of the majority leader and the Republican leader, pursuant to the Public Law 110–298, appoints the following individual to serve as a member of the State and Local Law Enforcement Congressional Badge of Bravery Board: Mike Hettich of Kentucky, vice Nick DiMarco of Ohio.

ORDERS FOR TUESDAY, JULY 24, 2012

Mr. CONRAD. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized; that the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, that at 3:40 p.m., the Senate observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the U.S. Capitol Police, who were killed 14 years ago in the line of duty defending this Capitol, the people who work here, and its visitors against an armed intruder.

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

PROGRAM

Mr. CONRAD. Madam President, today the majority leader filed cloture on the motion to proceed to S. 3412, the Middle Class Tax Cut Act. If no agreement is reached, that vote will be on Wednesday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CONRAD. 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 6:20 p.m., adjourned until Tuesday, July 24, 2012, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 23, 2012:

THE JUDICIARY

MICHAEL A. SHIPP, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

EXTENSIONS OF REMARKS

HONORING DE'UNA WILSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. De'Una Wilson, the 2012 Valedictorian at Canton High School, in Canton, Mississippi. De'Una is the daughter of Mr. Derreco, Sr. and Ms. Regenia Wilson. She was born and raised in Canton and attends Canton United Methodist Church.

De'Una's accomplishments can be greatly attributed to her desire to fulfill her grandmother's dying wish for her to graduate at the top of her class. To achieve this, De'Una dedicated herself to her academics and completed her senior year with an "A" average, earning her the merit of Class Valedictorian. In addition to her academics, De'Una has remained active in her community by volunteering at the Open Door Community Outreach Center at Zion Missionary Baptist Church in Canton, and working a part-time job.

De'Una has been accepted into the Engineering Program at Jackson State University where she earned a full scholarship.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. De'Una Wilson in being Valedictorian of Canton High School's 2012 graduating class.

IN COMMEMORATION OF THE SENECA FALLS CONVENTION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the anniversary of the first Women's Rights Convention in history, held in Seneca Falls, New York in 1848. This groundbreaking convention spanned two days and six sessions, and is considered by many to mark the beginning of the Women's Suffrage Movement in America.

The Seneca Falls Convention was attended by such important figures as Elizabeth Cady Stanton, Lucretia Mott, and Frederick Douglass. It was there that these luminaries mapped out the strategy to liberate and empower future generations to come. It was there that these women debated Elizabeth Cady Stanton's Declaration of Sentiments, regarded by Frederick Douglass as the "grand basis for attaining the civil, social, political, and religious rights of women."

Since the launch of the first wave of political activism at the Seneca Falls convention, women's rights activists have fought tirelessly for equality and independence and have vigilantly guarded and protected these hard won gains. From 1848–1895, states passed laws that extensively expanded the property rights of married women. And in 1920, women finally earned the right to vote.

In the 1960s, the second wave of political activism brought an expansion of the successes in the fight against gender inequality with the inclusion of workplace and reproductive rights. The Equal Pay Act was passed in 1963, followed a year later by the creation of the Equal Employment Opportunity Commission. The 1965 Supreme Court ruling in Griswold v. Connecticut struck down state law banning the use of contraception. And in 1973 Roe v. Wade granted women the right to privacy and to make their own decision to have an abortion. The passage of landmark Title IX in 1972 mandated equal opportunities for women in higher education. In 2009, President Obama signed into law the Lilly Ledbetter Fair Pay Act, which amends the Civil Rights Act of 1964 to reset the 180-day statute of limitations on equal pay lawsuits every time a discriminatory paycheck is issued.

These victories over the last 164 years were possible because of the foundation laid out by the historic Seneca Falls Women's Rights Convention.

But, unfortunately Mr. Speaker, despite all of these achievements, there is still a substantial amount of work to do. I have witnessed, over the last few years, efforts by my colleagues across the aisle begin to roll back many of these hard won rights. We have seen the attempt to strip women of their reproductive rights and of their right to choose. We have seen attempts to strip funding for family planning programs. We have seen attempts to redefine rape, in a way that turns the innocent into an "accuser" rather than a victim.

Let us not allow the 72-year struggle for women's suffrage, and the 164-year battle for women's rights to be in vain. We must resist and defeat those who would wage war on women. Let us not allow a War on Women to continue to permit violence against women, workplace discrimination, and disparate wages. Women, indeed, and all Americans must stand for what is right and honor our Nation's maxim of freedom and liberty for all. We must remember the Seneca Falls Convention and fight for the principle of equality that serves as the foundation of our great Nation.

CELEBRATING THE LIFE OF EDWARD RAMIREZ, SR.

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to recognize the accomplishments and celebrate the life of Edward Ramirez, Sr.

Edward Ramirez, Sr. was born on March 1, 1930 to Bernardina and Pedro Ramirez and he recently passed away peacefully on July 13, 2012. He was surrounded by his family in his final moments.

As a young boy, Edward Ramirez, Sr. worked in the fields of San Jose. He enlisted when he was only 15 and served our country during World War II in Germany. In 1967, he started his social activism as an original member, parishioner, and leader at Our Lady of Guadalupe Church in San Jose, where he gave his time and resources in the fight to improve the community.

Edward graduated from San Jose State University in 1973 and advocated for the establishment of the Educational Opportunity Program, EOP, that improves student academic support of low-income and educationally disadvantaged students. He established the first alcohol rehabilitation center, Casa Adelante, in Santa Clara County. His expertise with the Hispanic Community in need of alcohol rehabilitation services has earned him the respect and gratitude of our community.

Edward is survived by his children, Edward, Jr., Arlene, Julian, Margaret, Catherine, and Julieana; 16 grandchildren; 6 great-grandsons; and numerous loving siblings, nieces, and nephews he loved. He was a much beloved son, brother, husband, father, grandfather, great-grandfather, and pillar of the community.

We honor and mourn the passing of Edward Ramirez, Sr. We thank Edward for his invaluable service to our community and applaud his numerous contributions to the economically disadvantaged. We are very fortunate to have benefited from his passion, advocacy, and tenacity. He has left his mark in San Jose and the larger community.

IN HONOR OF GEORGE McGOVERN ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor George McGovern who is celebrating his 90th birthday and to thank him for his many years of service and dedication to social justice.

McGovern was a steadfast student at Dakota Wesleyan University, where he was elected school president twice. Following his service during WWII, McGovern enrolled at Northwestern University where he earned M.A. and Ph.D. degrees in government and American history.

In 1956, McGovern was elected to the U.S. House of Representatives where he spent two terms as an advocate to the American farmer. Continuing on his mission of social justice McGovern was named Director of the Food for Peace Program by President John F. Kennedy, leading efforts to donate food to developing countries. As a U.S. Senator from South Dakota, McGovern made an immediate impact by challenging the U.S. military involvement in Vietnam, and by being named Chairman of the Senate Select Committee on Nutrition and Human Needs. He held office for three terms during which time he continued challenging the Vietnam War.

After leaving the Senate and after his bids for president, McGovern served as the 6th United States Ambassador to the United Nations Agencies for Food and Agriculture during the Clinton Administration. In 2001, McGovern was appointed as the first UN Global Ambassador on World Hunger and continues to be a leading advocate in the fight against hunger around the world.

Throughout his storied career both in Congress and as a leading voice against world hunger, McGovern has been honored countless times. He has received more than ten honorary degrees and is the recipient of a Presidential Medal of Freedom, a Gandhi Peace Award and a National Peacemaker Award from the National Conflict Resolution Center.

Mr. Speaker and colleagues, please join me in honoring a long time friend, George McGovern, on the occasion of this 90th birthday.

A TRIBUTE TO CAPTAIN WILLIAM ANDREW LOTT

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. McCAUL. Mr. Speaker, I rise today to honor the life of Captain William Andrew Lott of Leesburg, Florida, my uncle, who passed away earlier this month. A native of Dallas, Texas, Captain Lott flew combat missions in Korea and Vietnam, serving 34 years in the United States Navy in both hot and cold wars. He flew three different types of carrier-based aircraft including the A–1 Skyraider, the F–8 Crusader and the F–4 Phantom. He spent the equivalent of six years of his life at sea, amassing thousands of hours of flight time in three different combat aircraft, serving four tours of duty in Vietnam, and surviving ejections from crippled aircraft three times. He served proudly as not only a fighter pilot, but also as the Commanding Officer of both Fighter Squadron Forty One and the Naval Air Facility in El Centro, California. During his illustrious career, Captain Lott was the recipient of many awards and commendations including the Meritorious Service Medal, Air Medal, and Navy Commendation Medal.

He was also an outstanding mentor to both the junior enlisted and officers under his command, with one former subordinate commenting, ''He was a great leader and mentor, just like a Navy fighter pilot his timing was always on target; he knew when a junior officer needed direction and was always compassionate when doing so. He was not afraid to do what was right even in the face of adversity.''

His Public Works Officer at El Centro noted, ''the leadership style he passed on to me stayed with me. It was his guidance that pushed me on to be Operations Officer in Naval Mobile Construction Battalion 62 and to later become Commanding Officer of Naval Mobile Construction Battalion 7. In fact, when the civilian construction world called me, it was because of Captain Lott I chose to stay in longer as I wanted to command just like him.''

Captain Lott leaves behind two sons, Randall and David, and a nation grateful for his distinguished service.

IN RECOGNITION OF SERGEANT CHRISTOPHE RUSTICI'S SERVICE TO OUR COUNTRY WITH THE UNITED STATES MARINE CORP

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I thank Sergeant Christophe Rustici for his brave and honorable service to our country with the United States Marine Corps.

Sgt. Rustici has served with the Marine Corps since May of 2006 when he enlisted as a Reservist. During his enlistment he was deployed to both Afghanistan and Iraq in support of our combat operations in the region. Clnistophe fought side by side with local and NATO coalition forces, and was in charge of several of his fellow Marines. He was responsible for providing security to many installations and bases in both Iraq and Afghanistan, assisted with first aid to both locals and fellow soldiers, and assisted in engaging with the local forces and population to provide humanitarian aid.

Sgt. Rustici's hard work and efforts have been recognized with a Certificate of Commendation for his actions as a Fire Team Leader and Sergeant of the Guard for his service in Afghanistan. He has also qualified as a Rifle and Pistol Expert with the Marine Corps, and has been awarded a Meritorious Mast for Excellence while working as a recruiter with the Marines.

Our liberties, our values, and everything America stands for is due to the heroic services of our men and women in uniform. I thank Christophe for his service to the United States and wish him all the best in the future.

RECOGNIZING ELIZABETH ''BEEZIE'' MADDEN

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. OWENS. Mr. Speaker, I rise today to recognize one of my constituents, Elizabeth ''Beezie'' Madden of Cazenovia, New York for her involvement in the 2012 Summer Olympics in London.

Beezie already has a very distinguished riding career, establishing herself as one of the premier equestrian riders in the world. In addition to becoming the first woman to pass the $1 million mark in show jumping earnings, she has competed in two Olympics, winning two Gold medals and a Bronze.

Beezie will be competing in the London Olympics representing the United States this summer. Her success adds to a long history of New York Olympians continuing the proud American athletic tradition in international competition. I wish Beezie all the best in the Olympics, and I know she will represent our region—and our nation—proudly.

TRIBUTE TO DENNIS AND JEAN DORTON

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Dennis T. Dorton, the President and Chief Executive Officer at Citizens National Bank, in honor of his retirement after contributing more than 42 years of banking excellence. I also would like to recognize Dennis' wife, Jean Dorton, and honor her for her strong leadership and service to the Commonwealth. Mr. and Mrs. Dorton have been a dynamic duo over the years. Working together they have helped transform southern and eastern Kentucky.

As a Paintsville native, Dennis Dorton has served as a third generation President of Citizens National Bank, which has been a part of the Dorton family for 90 years. Mr. Dorton began his career at the bank in 1970, after graduating from Morehead State University with a bachelor's degree in Business Administration.

Raised in the spirit that a banker's place is in the community, Mr. Dorton is a leader in various community organizations including the Christian Appalachian Project, the American Red Cross, a group working to restore programs and operations at the David School, and the local utilities commission building a new water plant in Paintsville. He is an active member of the First United Methodist Church in Paintsville and has been involved in Volunteers in Mission traveling to Belize and Costa Rica to help build church and school buildings.

Mr. Dorton's involvement in civic and community service efforts span a broad spectrum. He has served as, Chairman of the Big Sandy Regional Industrial Development Authority board, Treasurer and Board member of Paintsville-Johnson County Chamber of Commerce, Chairman of the Appalachian Artisan Center, and Vice Chairman and Board Member of the Christian Appalachian Project board. Mr. Dorton also served as Treasurer for the Kentucky Bankers Association in the '80s and Chairman of the Kentucky Bankers Association from 2007–2008.

Mr. Dorton has had a strong partner by his side in his wife, Jean Dorton. Mrs. Dorton is a graduate of Morehead State University and has worked for the Big Sandy Community and Technical College since 2005. Like her husband, Mrs. Dorton has been involved in many organizations within the community. Mrs. Dorton was a founding member of the Eastern Kentucky Federated Republican Women and a member of the University of Pikeville Board of Regents. She served on the Paintsville City Council, and currently serves on the board for the Center for Rural Development, and on the PRIDE Executive Committee.

Mr. Speaker, I ask my colleagues to join me in honoring Dennis and Jean Dorton for their countless years of dedication and service to the families of southern and eastern Kentucky and for their banking expertise and civic leadership which have impacted the community for the better.

HONORING KATHERINE TANKSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Katherine Tankson. Katherine has shown what can be done through tenacity, dedication and a desire to serve others.

Katherine Tankson is a native of Sharkey County and resides in Rolling Fork, Mississippi. She has served in the educational arena for a total of 42 years. This included 12 years in the South Delta School District as a classroom teacher and 19 years as an administrator, before her first retirement in December of 2000. The South Delta School District is located in the Mississippi Delta and serves the students of Sharkey and Issaquena Counties with a present enrollment of 988 students.

Upon receiving her Bachelor's of Science Degree in Business Education from Mississippi Valley State University in Itta Bena, MS in 1969, her only desire was to return to her hometown to teach with the goal of helping to make a difference in the lives of children. Mrs. Tankson has received two master's degrees. She has a Master's Degree in English from Jackson State University, in Jackson, MS, and her second Master's Degree is in Education Administration and Supervision from Delta State University in Cleveland, MS.

During her tenure with South Delta School District, she served as the auditor in the district for the International Curriculum Management Audit Center, Inc., located in Huxley, Iowa. In that position she conducted curriculum management audits in school districts in the Bermuda territory of the United Kingdom, also on the United States in the States of Georgia and California. She was appointed by the Mississippi Department of Education to serve as auditor throughout the State in various schools selected by the State.

In January 2001, she was employed with the Mississippi Department of Education as Project Director for the Technology Academy for School Leaders (TASL) until June 2004. As the director she worked with superintendents, principals, and other administrators across the State in the areas of technology and curriculum development.

In July 2006, she returned to the South Delta School District where she currently serves as Superintendent. Under her leadership, significant progress has been made in changing the culture of the district and the schools. An increase in necessary resources critical to the success of being effective teachers, administrators, and instructional leaders has flourished in the district. As a result the district and schools have seen significant increases in student achievement, and improvements in classroom delivery and instruction through the use of 21st century technology. The district has also undergone $4 million dollars in renovation at the South Delta High School which has produced a by-product of improved parent and community involvement to say the least.

Mrs. Tankson's career in education is long standing—after 31 years, retiring in 2000, she came out of retirement and gave 11 more years to educating and leading before retiring again June 30, 2012. Those 11 more years give her that grand total of 42 years in education, which is worthy of recognition. She is still an active member of numerous educational organizations.

Although she has left her footprints through schools in various States in the U.S. including the Bermuda territory, her love for Mississippi is where she started and ended her career. Providing the students of the South Delta School District in Rolling Fork, MS with a quality education is her passion. Her contribution to education will be forever appreciated for the countless number of students she has touched guiding them to the path of success. She has not only had a positive impact on students but also parents, teachers, and even community members, and for that too she will be appreciated.

She married her high school sweetheart, James Tankson, a retired educator of 40 years, and they have three beautiful daughters, Dr. Jeanetta Denise Tankson, Dr. Janice Valencia Tankson, and Ms. Jamie Alicia Tankson-Cunningham who is also aspiring to acquire her doctoral degree in education. Her son-in-law, Rev. Therman Cunningham, Jr. is currently working toward a doctoral degree in theology. Mrs. Tankson also has two precious, loving granddaughters—Trinity Alicia Cunningham and Taylor LeAnn Cunningham.

Mr. Speaker, I ask our colleagues to join me in recognizing Mrs. Katherine Tankson for her passion and dedication to the South Delta School District in Rolling Fork, MS.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes:

Ms. HIRONO. Mr. Chair, I support passage of H.R. 5856, the Department of Defense Appropriations Act for Fiscal Year 2013, which supports our servicemembers and makes important investments in our national security and in the health, well-being, and readiness of our Armed Forces.

Our country owes a debt of gratitude to our military and their families for their service and selfless sacrifices. We in Hawaii are proud of the men and women in our military that have served and are currently serving in Afghanistan. Above all, we must also never forget those who have made the ultimate sacrifice for our country. Supporting our servicemembers and their families, whether it's during deployment or as they transition back into civilian life, is a solemn commitment we must keep.

Many of our men and women in uniform are suffering from serious wounds from their service, both visible and invisible. That's why I'm pleased to see increases in traumatic brain injury and psychological health funding as well as suicide prevention and outreach. The bill also boosts resources for peer-reviewed research on Gulf War Illness, Lou Gehrig's disease, breast cancer, prostate cancer, vision and spinal cord conditions, and many other medical research initiatives.

This legislation will further protect access to health coverage for Hawaii's military retirees, who have dedicated their careers in service to our country. Through the adoption of an amendment offered by Representative STEARNS, no funds could be used to implement a fee to enroll in TRICARE for Life.

Hawaii has a strong military presence and is home to thousands of military families. As a strong advocate for Impact Aid, I welcome the increased amount of this funding, which helps ensure the federal government does its part to support our nation's local school districts and military families and educate military-connected children.

By providing support for the operation, maintenance and procurement for our military's installations in Hawaii, including Joint Base Pearl Harbor-Hickam, Schofield Barracks, and Kaneohe Marine Corps Base, H.R. 5856 protects jobs and advances President Obama's strategic refocusing on the Asia-Pacific region. The measure also affirms the critical role of our citizen soldiers and airmen in the defense of our nation in providing for critical Army equipment needs and rejecting force structure reductions and aircraft retirements proposals that would have negatively affected Air Guard and Reserve units across the country.

With turmoil continuing in the Middle East, now more than ever we must stand strong with our friend and ally Israel. This measure includes additional funding for joint U.S.-Israeli defense cooperation, and continued support for Iron Dome system, which has protected and saved lives from the daily threat of rockets aimed at towns and cities in a country surrounded by hostility and instability.

While H.R. 5856 supports our soldiers, sailors, airmen and marines in Hawaii and around the world, this defense appropriations bill contains provisions that raise serious concerns. For example, this bill slows down the withdrawal of troops from Afghanistan; it is over the President's budget request and over the Budget Control Act passed last year. H.R. 5856 excludes funds requested by the President for the production of domestic biofuel for our military, an important initiative our military leadership supports. Furthermore, the bill places a significant amount of our nation's resources in certain weapons systems the Defense Department neither requested nor needed.

It is my hope that Senate will address these serious issues and that we can pass a final bill that is fiscally responsible, reaffirms the American people's commitment to our servicemembers and protects our national security.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5856) making appropriations for the Department of Defense

for the fiscal year ending September 30, 2013, and for other purposes:

Mr. HOLT. Mr. Chair, I cannot support this bill in its current form.

It's telling that every domestic program in this year's budget is taking a hit—in some cases, a huge hit. The House majority seems perfectly fine with cutting grant funding for our firefighters, our cops, and other first responders. The House majority thinks it's good public policy to cut programs designed to help the most vulnerable in our society, but any suggestion that we need fewer defense contractors provokes howls of protest. Any suggestion that national security-related corporate welfare should be ended—and I'm referring to the over-budget F–35 program as a prime example—evinces the most hysterical rhetoric about "weakening America's defenses."

Let's deal with the facts. We spend more on defense that most of the rest of the world combined. We won the Cold War over 20 years ago, yet this budget continues to fund unnecessary and radically over-cost Cold War legacy weapons programs that we don't need, can't afford and won't help us deal with the kind of terrorist threat we face now and into the future. The House majority is throwing the poor under the bus even as it throws a kiss to the military-industrial complex.

The bill also continues funding a war that should have been over long ago. As I've said since 2009, our continued presence in Afghanistan is prolonging the conflict, not helping end it. The President's ill-considered assassination-by-drone policy in Pakistan, which now features Vietnam war-style "signature strikes" against groups of individuals without verification of their status as terrorists, has led to the deaths of an increasing number of innocent civilians. Indeed, the escalation of the drone strikes and the loosening of the intelligence standards under which they operate comes even after Osama bin Laden was killed last year.

The original rationale for invading Afghanistan—getting bin Laden and his associates—no longer exists, yet this bill continues to fund a war whose purpose has clearly been achieved. There is perhaps no greater example of a policy on autopilot than our war in Afghanistan, which is one of the many reasons I do not support this bill.

IN RECOGNITION OF THE 103RD ANNIVERSARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. RANGEL. Mr. Speaker, it is with great honor that I am pleased to recognize the National Association for Advancement of Colored People for its 103rd year of pursuing justice and equality for everyone in America, regardless of color, religion, or gender. The NAACP is one of our nation's most revered and outstanding organizations dedicated to social, political, and economic equality. It has fought countless battles—from race riots to voter suppression—to protect the rights of all persons.

I commend the leadership of President Benjamin Jealous who has been outspoken on the most pressing issues in our communities. He has inspired thousands of Americans across the country to take action, whether it is organizing the "Justice for Trayvon Martin" movement or protests against unfounded voter ID laws.

Furthermore, I am pleased to acknowledge the Mid-Manhattan branch of the NAACP located in my district for its unwavering commitment to our community. The branch is involved in mentorship programs, youth development, and encouraging people to be politically and socially active. This year they helped to organize the "Silent Stop and Frisk" march in June, which rallied roughly 72,000 of our community. I had the pleasure of marching in unison with them against unjust stop and frisk practices that discriminately target minorities and violence in our communities. The event was an example of NAACP's continuous efforts to galvanize and mobilize our communities to stand up for equality.

I am proud to congratulate the Mid-Manhattan branch for receiving the Thalheimer award for outstanding membership enrollment at their annual convention in Houston, Texas earlier this month. I applaud them for their accomplishments in health and education advocacy, fighting for economic empowerment, and continuously standing up for justice.

Mr. Speaker, I ask that you and my colleagues join me in honoring the NAACP during its 103rd anniversary for its accomplishments and tireless commitment to uplifting all communities throughout America.

PERSONAL EXPLANATION

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. CANTOR. Mr. Speaker, on rollcall No. 487 I was unavoidably detained. Had I been present, I would have voted "yes."

H.R. 5856: THE MORAN AMENDMENT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. KUCINICH. Mr. Speaker, last week the House voted on an amendment by Mr. MORAN which prohibits U.S. funds from being used to purchase Russian-made Mi-17 helicopters for the Afghan National Security Forces (ANSF). After more than 10 years at war, we recently reached the grim milestone of losing our 2,000th service member in this war. It has been clear for a long time that more of our blood and our money will not help us "win" Afghanistan. Yet long after the last member of our Armed Forces leaves Afghanistan, U.S. taxpayers will be footing the bill for more than half of the $4 billion per year it will take to support the ANSF over the next decade. This financial support includes military equipment, training and uniforms.

The underlying bill includes a total of $238.7 billion to continue operations in Iraq and Afghanistan, on top of the $1.3 trillion we have already spent. It is time for the U.S. to end its nation-building exercise in Afghanistan, stop funding military spending there and bring the troops home safely and responsibly.

HONORING THE SERVICE AND DEDICATION OF MS. BEATRICE BEILER OF LONG BEACH CALIFORNIA

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise to recognize the tireless service and dedication of one of my own constituents, Ms. Beatrice Beiler. Ms. Beiler has been an essential part of the Long Beach foster care program for over 20 years and has a truly inspirational story.

Upon retiring from Hughes Aircraft in 1992, rather than living the life of leisure that many retirees do, Ms. Beiler chose to be of service. Coming from a big family herself, she has always been very family oriented and it is this experience that opened her mind to the idea to giving back through foster care.

Her caring spirit and giving nature instilled Ms. Beiler with a heart that is able to see the needs of others and immediately try to fulfill those needs. When Ms. Beiler found out that there was a shortage of foster homes able to house multiples of siblings of two or more, she volunteered her home to foster children siblings without hesitation. As a result, she helped many children to avoid damaging transitions by helping them to stay together and maintain a sense of family in spite of the turmoil that led to their entry into the foster care system.

In California there are over 80,000 children in the foster care system, the majority of whom are placed there as a result of parental abuse or neglect. As a member of the Congressional Caucus of Foster Youth I am particularly impressed by the service that Ms. Beiler has done for my community and the many families and children she has helped to reunite. Through her work, many children have had the opportunity to grow up in a safe and loving environment that they might not have otherwise had.

Ms. Beiler has been able to help many foster children succeed despite their painful pasts. Children like Kelsey, a foster child Ms. Beiler has raised since she was just 8 months old until the age of 17, find not only shelter but also love and nurture while in the care of Ms. Beiler. She has seen students go from struggling to stay in school to making straight A's. She has watched many go from dire situations to reunification with their families. It is stories like these that fuel her passion to continue to reach out to anyone whose life she can change for the better. Along with her dedication to the foster care system, Ms. Beiler has also opened a daycare facility to continue to be able to help parents and children in need. It is her mission to touch as many hearts and lives as she can.

Mr. Speaker, Ms. Beiler is the type of woman we should all look to emulate. She is selflessly committed and graciously generous with her time, her money, her home, and her love. It is with great pleasure that I have the opportunity recognize the hard work and dedication of this unsung hero.

RECOGNIZING THE CITIZEN'S COMMISSION ON HUMAN RIGHTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. BURTON of Indiana. Mr. Speaker, I rise tonight to commend the Citizen's Commission on Human Rights on the opening of their new National Public Affairs Office here in Washington, DC.

I want to thank my friend Sam Brunelli, the President and CEO of Team Builders International, for the role he played in bringing the good work of the Citizen's Commission on Human Rights to my attention. Since 1969, the Citizen's Commission on Human Rights has tirelessly worked to educate the public about the dangers of some drugs. As part of this effort, CCHR has been at the forefront of the debate over whether parents' have a fundamental right to raise their children as they see fit; and that includes making decisions about evaluation and treatment of mental health conditions.

As some of my colleagues may recall, back in 2003 a Presidential Commission recommended that the government implement mental health screening in public school. The Commission contended that early detection, assessment, and links with treatment and support programs would help prevent mental health problems from worsening. However, neither the Commission's report nor any related mental health screening proposal under discussion at the time required active parental consent before a child was subjected to mental health screening.

I appreciate the value of having mental health problems diagnosed and treated early, but cutting the parents out of the process was deeply troubling to me. More often than not, the typical course of action when a child is diagnosed with a mental health condition—typically Attention Deficit Disorder, ADD, or Attention Deficit Hyperactive Disorder, ADHD, is to prescribe a powerful psychotropic drug, such as Ritalin. But these drugs have some serious side effects which include mania, violence and dependence. In fact, these drugs are so potentially dangerous that in 2007, under pressure from members of Congress and groups like CCHR, the U.S. Food and Drug Administration, FDA, was finally compelled to require that the makers of all antidepressant medications update their black box warning on their products' labeling to include warnings about increased risks of suicidal thinking and behavior, known as suicidality.

Yet, inexplicably, not only were parents being cut out of the loop with regard to these drugs, parents who were informed, and who wanted to say no, were actually being threatened by school districts with child abuse charges for not drugging their children.

As a Christian, parent and grandparent, I have throughout my Congressional career staunchly defended the right of parents to direct the upbringing of their children as they see fit. I believe this right is embedded in the U.S. Constitution, affirmed by Supreme Court case precedent, and exemplary of the inalienable rights and freedoms this country was founded on. To deny parents the right to know about the potential dangers of these drugs and the right to say "no, this is not the right treatment for my child," is simply mindboggling. This is the same flawed mentality that condones putting toxic substances like mercury in medical products like vaccines and dental fillings and then not telling people the mercury is in there. Mercury is the most toxic substances on earth after radioactive materials. It has no place in any medication for children or adults; and I'm proud of the work I've done in Congress to get mercury removed from medicine. I'm also proud to have worked with CCHR and other like-minded groups to raise awareness of the potential dangers of psychotropic drugs, and to fight to put parents back in charge of their children's health care decisions instead of government bureaucrats.

Unfortunately, the price of defending our freedoms from the intrusion of big government is to be eternally vigilant. The economic and political life of America has changed profoundly over the last four years, and once again, the government is trying to intrude upon the relationship of parent to child.

In the past, parents were threatened by government officials with child abuse charges if they resisted efforts to drug their children with ADHD medications. Today, parents are penalized by government for sending their children to school with a brownbag lunch that does not meet some arbitrary government nutritional guidelines. These may seem like widely separate things but they are at the most basic level the same; an usurpation by the government of the right of parents to make decisions for their children.

Under the rubric of "Children's Rights," advocate of big government are pushing the argument that children should have, and the state should recognize, greater autonomy for children from their parents in deciding how to live, or that government agencies must have the power to step in to protect children from "bad parents."

I believe this concept of "Children's Rights" is flawed for two reasons. First, parents possess the maturity, experience, and capacity for judgment required for making life's difficult decisions that children lack. Second, as the Supreme Court said in the case of Parham v. JR.19 simply "because the decision of a parent is not agreeable to a child or because it involves risks, does not automatically transfer the power to make that decision"—nor in my opinion should it—"from the parents to some agency or officer of the state."

In his Oval Office farewell address, President Ronald Reagan said two things that are particularly relevant to our discussion tonight; he said: "As government expands, liberty contracts;" and that "All great change in America begins at the dinner table."

President Reagan understood that family is the foundation of our society; and that parents do have a profound impact on their children. If we are to recapture a common denominator of right and wrong in America, we must begin in the homes of America with conversations at the dinner table between moms and dads and growing children.

By respecting and defending a parents' fundamental right to teach their children that there is acceptable behavior and unacceptable behavior, appropriate speech and inappropriate speech we can re-instill in our children a moral character of trust, honesty, respect and tolerance, qualities that are so necessary to having safe and prosperous communities—and which are at the core of CCHR's own philosophy.

Make no mistake, though, stopping the further spread of government power in the area of the family and ensuring that parental rights are protected with the strength and certainty they deserve will not be a quick and easy victory. That is why organizations like CCHR are so important. If good people like the men and women who work for CCHR refuse to give up the fight, victory is inevitable.

Again, I want to commend CCHR on the opening of their beautiful new facility here in Washington, DC and wish them good fortune in their future endeavors.

REAUTHORIZATION OF THE NATIONAL WOMEN'S RIGHTS HISTORY PROJECT ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Ms. SLAUGHTER. Mr. Speaker, on July 19, 2012, I introduced the Reauthorization of the National Women's Rights History Project Act. This legislation was intended to be introduced with Mr. RICHARD HANNA (NY–24) as an original cosponsor.

TRIBUTE TO DEWAYNE BUNCH

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Dewayne Bunch, a brave member of the Kentucky National Guard, a leader in the State legislature, and a dedicated teacher at Whitley County High School: His passing is a great loss and he will be deeply missed by Whitley and Laurel County and across the Commonwealth of Kentucky.

Dewayne's life encompassed the true meaning of a public servant. Described as "a mighty man of valor," Dewayne helped lead our Commonwealth with an extraordinary level of dedication and excellence. While serving in the Kentucky National Guard, Dewayne proudly fought for our country in Iraq as a first sergeant and received multiple honors, including the Bronze Star. Dewayne was also a veteran of the United States Army and after 24 years of service to the Kentucky National Guard, Dewayne was elected to the Kentucky House of Representatives in the fall of 2010 and thoughtfully represented Whitley and Laurel Counties. In his brief legislative career in Frankfort, Dewayne showed tremendous potential as a legislator.

In April of 2011, Dewayne was severely injured while trying to break up a fight between two students at Whitley County High School where he taught math and science for 17 years. Dewayne was highly regarded by his students and faculty, and shared a vision with lawmakers for a better Kentucky, especially in the field of education. After his injury, Dewayne resigned from the Kentucky legislature, and the position was filled by his dutiful wife, Regina Bunch.

On July 11th, 2012, Dewayne passed away at the age of 50. Over 450 people attended his funeral, including State legislators, fellow educators, members of the Patriot Guard Riders, and friends from all walks of life. During the funeral service, it was announced that the Kentucky Distinguished Service Medal had been posthumously awarded to Dewayne, for his exceptionally admirable and meritorious conduct.

Dewayne was a quality man, dedicated to his State, his church, and most importantly, his family. On behalf of my wife Cynthia and myself, I want to extend our deepest heartfelt sympathies to Regina, the Bunch family, and those who had the privilege of knowing Dewayne.

Mr. Speaker, I ask my colleagues to join me in honoring the late Dewayne Bunch for dedicating a lifetime of service to the families of southeastern Kentucky, our Commonwealth, and our great Nation.

HONORING SHAWANDA ALLEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Shawanda LaShell Allen. Shawanda LaShell Allen was born in Hazlehurst, Mississippi to the proud parents of Glenda Johnson and Anthony Allen.

Throughout her years in school, Shawanda remained dedicated to her academics and extracurricular activities. She received the highest academic average of her class for the 2011–2012 school year in advanced placement English Literature and Composition, Calculus, United States Government, and Accounting. In addition to this, Shawanda was inducted into the Crystal Springs High School Hall of Fame; received the Student Council Leadership Award; and the U.S. Marine Corps Distinguished Athlete Award. Ms. Allen was also awarded the following scholarships—Boardwalk Pipeline Partners, LP, the United States Achievement Academy, Workforce Investment Area Transition, and University of Southern Mississippi Leadership Scholarships.

Shawanda also participated in the Student Council, Beta Club, SADD Club, Mu Alpha Theta Club, Theater Club-Tigers Actin' Up, and played on the soccer, softball, and track/field teams. She is a faithful member of Clear Creek Missionary Baptist Church where she is a part of the Feeding Ministry and Nursing Home Ministry.

In 2012, Shawanda graduated from Crystal Springs High School with honors. In the fall, she plans to attend the University of Southern Mississippi and pursue a degree in Accounting.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Shawanda LaShell Allen for her hard work, dedication and a strong desire to achieve.

150TH ANNIVERSARY OF THE PILGRIM BAPTIST CHURCH

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Ms. MCCOLLUM. Mr. Speaker, today I rise to honor the Historic Pilgrim Baptist Church of Saint Paul, and its 150 years of rich history and dedicated service to our community.

Pilgrim Baptist Church is the oldest African-American church in Minnesota, with a history deeply rooted in America's struggle for racial equality and social justice. More than 150 years ago, a group of slaves escaped and embarked upon a turbulent and courageous journey to the North during the Civil War. With the help of Union Forces and the Underground Railroad, this group of black men, women and children departed from Boone County, Missouri. Calling themselves "pilgrims", because they did not know their final destination, they began their long trek through the Midwest, eventually finding refuge in Saint Paul, Minnesota.

The group found a leader in fellow escaped slave Robert Thomas Hickman, who had previously learned how to read under the direction of his master, and also received permission to preach to his peers. Reverend Hickman continued this practice upon arriving to Minnesota, gaining many followers who desired a welcoming place to worship. The congregation worshipped in several Saint Paul homes until they were able to rent a room in a local concert hall. Reverend Hickman received his mission status from the First Baptist Church of Saint Paul, and the congregation continued to worship under Hickman's direction, officially becoming the Pilgrim Baptist Church on November 15, 1866.

The courage and dedication of Reverend Hickman and the founders of Pilgrim Baptist Church are woven into church history. Throughout the years, the congregation has not only been a spiritual home for countless families and individuals, but also a center for community action, serving as the birthplace of the Saint Paul Chapters of the NAACP and Urban League as well as schools and organized labor movements. This legacy of community activism continues today through the congregation and Reverend Charles Gill, Jr., who has served as the Senior Pastor since 2004. Reverend Gill remains steadfast in the church mission, delivering a message of love and acceptance to the congregation and the congregation continues to serve the community in many ways.

Mr. Speaker, in honor of the 150th Anniversary of the Pilgrim Baptist Church of Saint Paul, Minnesota, I am pleased to submit this statement.

RECOGNIZING THE OUTSTANDING MILITARY SERVICE OF COLONEL JOE N. WILBURN ON THE OCCASION OF HIS RETIREMENT

HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, on the occasion of his retirement from the United States Air Force, I rise to recognize Colonel Joe N. Wilburn for his twenty-six years of commissioned service to our country. In his most recent assignment, he was the Commander, Air Force Reserve Recruiting Service, Robins AFB, Georgia. In this role, he served as advisor to the Air Force Reserve Command Commander, Vice Commander, senior staff and field numbered Air Force and wing commanders on all matters relating to recruiting for the Air Force Reserve. He commanded and exercised oversight for more than 450 military and civilian personnel worldwide at forty-five main operating locations and numerous satellite offices.

Colonel Wilburn joined the Air Force on June 27, 1982 when he reported in as a cadet at the Air Force Academy. He was commissioned as a Second Lieutenant on May 28, 1986, with an undergraduate degree in International Affairs. While stationed at MacDill AFB, he deployed to the Middle East in support of Operations Desert Shield and Desert Storm. Upon returning from deployment, he was selected to be the Chief of Operations at the 369th Recruiting Squadron in Los Angeles, California. Colonel Wilburn later joined the Air National Guard where he performed duties with the 148th Combat Communications Squadron in Ontario, California. In April 2000, he was asked to lead a Recruiting Flight at March Air Reserve Base, California. Because of his success at March Air Reserve Base, Colonel Wilburn was chosen to be a Program Manager on the Island of Oahu in Hawaii.

Due to his achievements and unwavering dedication to his country, it was no surprise he was chosen to be the Commander of Air Force Reserve Recruiting. During his almost four years as Commander, Colonel Wilburn was responsible for accessing 39,268 new citizen airmen. His innovative ideas and exemplary leadership skills allowed his team of recruiters to focus their accession practices on targeting prior service candidates, which saved the Air Force Reserve Command over $600 million dollars in training costs.

Colonel Wilburn could not have been such a tremendous leader without the support of his wife of thirteen years, Monica, his daughter Maya, and his son Jason. Colonel Wilburn also owes much of his success to his parents Joe Wilburn, Senior, and his mother Merrie as well as his in-laws, Dudley and JoAnne Latham. We thank them for helping to develop and mold such an outstanding leader for our military.

Mr. Speaker, I join my colleagues in expressing our sincere appreciation to Colonel Joe N. Wilburn for his outstanding service to both the United States Air Force and our great nation. We wish him and his family the best of luck as he transitions into retirement. Colonel Wilburn is a true professional and a credit to himself, his family, and the United States Air Force.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. BISHOP of New York. Mr. Speaker, I was not present in the House chamber on Thursday, July 19 to vote on rollcalls 487

through 498. Had I been present, I would have voted ''yea'' on rollcalls 489, 490, 494, 495,497 and 498. I would have voted ''nay'' on rollcalls 487, 488, 491, 492, 493 and 496.

CONGRATULATING DIAMOND DIXON

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Mr. REYES. Mr. Speaker, I rise today in recognition of Ms. Diamond Dixon who will be representing our nation as a member of the Olympic track and field team in London this year. She will compete, as one of our nation's best athletes, in the 4x400m relay. This young woman is not only an amazing competitor, but serves as an inspiration to a generation of young athletes throughout the nation.

Diamond was born El Paso, Texas, the district that I represent, and grew up in Houston. She is currently a student athlete at the University of Kansas and a member of the track and field team.

Running was Diamond's way to escape, the place she could go to forget about her problems and clear her mind. By her junior year at Westside High School in Houston, she had already begun to showcase her athletic talent. On a recruiting trip to see one of Westside High School's male stars, University of Kansas coach Stanley Redwine was very impressed with Dixon's performance at the meet, noting that ''her determination and will to win is just unbelievable.''

After racing 21 times during her sophomore collegiate season, Dixon turned in a solid performance on tired legs at the Olympic Trials. She finished third in her opening round and semifinal round heats of the 400m before running a personal-best 50.88, finishing fifth in the final. With the top four finishers automatically in the relay pool, Dixon's efforts impressed Coach Amy Deem enough to earn one of her discretionary selections.

The Olympic Games this summer will be her first call-up to the senior national team. Dixons' strong international relay experience on the junior level Team USA will prove to be a valuable asset to her teammates racing with her in London. In 2010, she led off the U.S. 4x400m that won gold in 3:31.20 at the World Junior Championships in Moncton, Canada. Last summer, she anchored the U.S. to victory in 3:34.71 at the Pan American Junior Championships in Miramar, Florida. In July, Dixon anchored the U.S. to victory in 3:28.64 at the North American, Central American and Caribbean Championships in Irapuato, Mexico.

I am extremely proud of Ms. Diamond Dixon and wish her the best competing in the Summer Olympics. Ms. Dixon's story is the embodiment of the American dream, her motivation and success were derived from her drive to become the best. This reminds us all that with hard work and spirit, we can accomplish great things.

VOTER PROTECTION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, there is an unprecedented effort by the GOP to deprive millions of Americans of their right to vote. Proponents of these efforts to suppress the electorate continue to grossly exaggerate the threat of voter fraud, in hopes of excluding select groups of eligible voters from the polls, and thus swaying the election in their favor.

In 2002, President Bush launched an aggressive 5-year campaign to crack down on voter fraud. The end result was a mere 86 convictions out of the 122 million people who voted during the 2004 Presidential election. There is no evidence to suggest that these facts have changed, and certainly not to the degree in which it is being touted by the Republicans. It is clear that the only reason why overly burdensome voter laws are being adopted is to exclude the elderly, our youth, minorities, and the poor from casting their ballots.

Nationally, an estimated 21 million American citizens do not possess a government-issued photo ID. Under these restrictive laws, that is potentially 21 million Americans who will be excluded from the democratic process. In states like Texas, where millions of individuals live in rural areas and without easy access to ID-issuing offices, the costs are even higher. Millions more stand to be excluded, as voter suppression continues far beyond requiring specific forms of identification.

Mr. Speaker, we must prevent these regressive policies from becoming law if we are to preserve the integrity of the electoral process for all Americans. Fourteen states have already passed restrictive voting laws. This deceptive practice has already gone too far, and I refuse to allow history to repeat itself in what is a direct attack on our democracy, and the American people.

NATIONAL STRATEGIC AND CRITICAL MINERALS PROTECTION ACT, H.R. 4402

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 2012

Ms. MCCOLLUM. Mr. Speaker, I rise in strong opposition to H.R. 4402, the National Strategic and Critical Minerals Protection Act. This bill is yet another Republican giveaway to the mining industry.

H.R. 4402 elevates the narrow special interest of the mining industry above the interests of the American public. For example, this bill gives mining on public lands priority over all other uses—replacing current law that requires public lands to be managed for multiple uses. The White House warns this provision ''has the potential to threaten hunting, fishing, recreation and other activities which create jobs and sustain local economies across the country.''

Moreover, H.R. 4402 exempts hardrock mining operations from key provisions of the nation's most important environmental laws, including the Clean Water Act and the National Environmental Policy Act. These weakened environmental safeguards would govern mining operations in every region because H.R. 4402 deceptively defines ''strategic and critical minerals'' so broadly as to include sand and gravel. This means families and businesses all across the country would have less ability to resist new mining operations that threaten to pollute their community's air and water.

Congressman CHIP CRAVAACK, my Minnesota colleague, offered an amendment to H.R. 4402 that would apply these weakened permitting and environmental review provisions to mining proposals that are already in the approval process. This amendment would allow massive sulfide-mining proposals in Northern Minnesota to escape necessary public scrutiny and thorough environmental analysis. The foreign-owned mining corporations advancing these proposals are motivated by short-term profit, not the long-term risks to the people and land of our state. Sulfide mining has never occurred in our state before but has produced a devastating legacy of toxic pollution elsewhere in the country. Minnesotans need and deserve strong federal safeguards to protect the health of our families and communities. The Cravaack amendment to fast-track sulfide mining in Minnesota threatens the environmental integrity of our state's greatest natural treasures, including the Boundary Waters Canoe Area, Lake Superior and the Mississippi River.

I ask my colleagues to join me in opposing H.R. 4402 in order to safeguard the health of America's children, families, and communities.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 24, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 25

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the International Space Station, focusing on research, collaboration, and discovery.

SR–253

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine the proper size of the nuclear weapons stockpile to maintain a credible U.S. deterrent.

SD–192

Environment and Public Works

Business meeting to consider S. 847, to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, S. 357, to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, S. 810, to prohibit the conducting of invasive research on great apes, S. 1494, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, S. 2071, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, S. 2156, to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users, S. 2282, 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. 3370, to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation, S. 2251, to designate the United States courthouse located at 709 West 9th Street, Juneau, Alaska, as the Robert Boochever United States Courthouse, S. 2326, to designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse'', S. 1735, to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi, the nomination of Major General John Peabody, United States Army, to be a Member and President of the Mississippi River Commission, proposed resolutions relating to the General Services Administration, and proposed resolutions in the Corps Study, city of Norfolk, Virginia and Port Fourchon, Louisiana.

SD–406

Finance

To hold hearings to examine education tax incentives and tax reform.

SD–215

Judiciary

To hold hearings to examine ensuring judicial independence through civics education.

SH–216

Appropriations

Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee

To hold hearings to examine the impact of sequestration on education.

SD–124

Foreign Relations

Near Eastern and South and Central Asian Affairs Subcommittee

To hold hearings to examine Iran's support for terrorism in the Middle East.

SD–419

2 p.m.

Aging

To hold hearings to examine enhancing women's retirement security.

SD–562

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine short-supply prescription drugs.

SR–253

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine assessing grants management practices at Federal agencies.

SD–342

Energy and Natural Resources

Water and Power Subcommittee

To hold an oversight hearing to examine the role of water use efficiency and its impact on energy use.

SD–366

3 p.m.

Foreign Relations

To hold hearings to examine S. 2215, to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, focusing on economic statecraft.

SD–419

JULY 26

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine S. 3239, to provide for a uniform national standard for the housing and treatment of egg-laying hens.

SR–328A

Foreign Relations

Business meeting to consider The Convention on the Rights of Persons with Disabilities, Adopted by the United Nations General Assembly on December 13, 2006, and Signed by the United States of America on June 30, 2009 (Treaty Doc 112–7).

SD–G50

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the Financial Stability Oversight Council's annual report to Congress.

SD–538

Health, Education, Labor, and Pensions

Children and Families Subcommittee

To hold hearings to examine the Child Care and Development Block Grant (CCDBG) reauthorization, focusing on helping to meet the child care needs of American families.

SD–430

Judiciary

Business meeting to consider S. 225, to permit the disclosure of certain information for the purpose of missing child investigations, S. J.Res. 44, granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding, and the nominations of Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois, and Jon S. Tigar, and William H. Orrick, III, of the District of Columbia, both to be a United States District Judge for the Northern District of California.

SD–226

1 p.m.

Judiciary

To hold hearings to examine the nominations of William Joseph Baer, of Maryland, to be an Assistant Attorney General, Department of Justice.

SD–226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the regulation of tribal gaming, focusing on brick and mortar to the internet.

SD–628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JULY 31

10 a.m.

Energy and Natural Resources

To hold hearings to examine S. 3385, to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects.

SD–366

AUGUST 1

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine MF Global, focusing on accountability in the futures markets.

SR–328A

POSTPONEMENTS

JULY 26

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine assessing overlap between disability and unemployment benefits.

SD–342

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5239–S5264

Measures Introduced: Eight bills and one resolution were introduced, as follows: S. 3416–3423 and S. Res. 524. **Page S5257**

Measures Reported:

S. 1039, to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, with an amendment in the nature of a substitute. (S. Rept. No. 112–191) **Page S5257**

Measures Considered:

Middle Class Tax Cut Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families. **Pages S5239–44**

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 Wednesday, July 25, 2012. **Page S5244**

Appointments:

Federal Law Enforcement Congressional Badge of Bravery Board: The Chair, on behalf of the Majority Leader and the Republican Leader, pursuant to the Public Law 110–298, reappointed the following individual to serve as a member of the Federal Law Enforcement Congressional Badge of Bravery Board: Richard Gardner of Nevada. **Page S5264**

State and Local Law Enforcement Congressional Badge of Bravery Board: The Chair, on behalf of the Majority Leader and the Republican Leader, pursuant to the Public Law 110–298, appointed the following individual to serve as a member of the State and Local Law Enforcement Congressional Badge of Bravery Board: Mike Hettich of Kentucky, vice Nick DiMarco of Ohio. **Page S5264**

Moment of Silence—Agreement: A unanimous-consent agreement was reached providing that at 3:40 p.m., on Tuesday, July 24, 2012, Senate observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police who were killed 14 years ago in the line of duty defending this Capitol, the people who work here, and its visitors against an armed intruder. **Page S5264**

Message from the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency originally declared in Executive Order 13536 on April 12, 2010 with respect to Somalia, received during adjournment of the Senate July 20, 2012; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–58) **Pages S5256–57**

Nomination Confirmed: Senate confirmed the following nomination:

By 91 yeas to 1 nay (Vote No. EX. 182), Michael A. Shipp, of New Jersey, to be United States District Judge for the District of New Jersey. **Pages S5244–51, S5264**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the nomination, be withdrawn. **Page S5244**

Messages from the House: **Page S5257**

Measures Referred: **Page S5257**

Measures Placed on the Calendar: **Pages S5257, S5264**

Measures Read the First Time: **Pages S5257, S5264**

Additional Cosponsors: **Pages S5257–59**

Statements on Introduced Bills/Resolutions: **Pages S5259–63**

Additional Statements: **Pages S5255–56**

Amendments Submitted: **Page S5263**

Notices of Hearings/Meetings: **Pages S5263–64**

Record Votes: One record vote was taken today. (Total—182) **Page S5251**

Adjournment: Senate convened at 2 p.m. and adjourned at 6:20 p.m., until 10 a.m. on Tuesday, July 24, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5264.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: On Friday, July 20, 2012, Committee concluded a hearing to examine the nominations of Walter M. Shaub, Jr., of Virginia, to be Director of the Office of Government Ethics, who was introduced by Representative Moran, and Rainey Ransom Brandt, and Kimberley Sherri Knowles, both to be an Associate Judge of the Superior Court of the District of Columbia, both introduced by Delegate Holmes Norton, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 4 public bills, H.R. 6164–6167 were introduced. **Page H5130**

Additional Cosponsors: **Pages H5130–31**

Reports Filed: A report was filed on July 20, 2012 as follows:

H.R. 6082, to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, with an amendment (H. Rept. 112–615).

A report was filed today as follows:

H. Res. 748, providing for consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, and providing for consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes (H. Rept. 112–616). **Pages H5129–30**

Speaker: Read a letter from the Speaker wherein he appointed Representative Harris to act as Speaker pro tempore for today. **Page H5081**

Recess: The House recessed at 12:06 p.m. and reconvened at 2 p.m. **Page H5082**

Chaplain: The prayer was offered by the guest chaplain, Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, DC. **Page H5082**

Recess: The House recessed at 2:13 p.m. and reconvened at 3:31 p.m. **Page H5083**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Providing for a land exchange with the Trinity Public Utilities District of Trinity County, California: H.R. 1237, amended, to provide for a land exchange with the Trinity Public Utilities District of Trinity County, California, involving the transfer of land to the Bureau of Land Management and the Six Rivers National Forest in exchange for National Forest System land in the Shasta-Trinity National Forest; **Pages H5083–85**

Y Mountain Access Enhancement Act: H.R. 4484, amended, to provide for the conveyance of a small parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in Utah to Brigham Young University; **Pages H5085–86**

Naming the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife

Refuge unit of Gateway National Recreation Area in honor of James L. Buckley: H.R. 5958, to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley; **Pages H5086–87**

Wood-Pawcatuck Watershed Protection Act: H.R. 3388, amended, to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System; **Pages H5087–88**

Bridgeport Indian Colony Land Trust, Health, and Economic Development Act: H.R. 2467, amended, to take certain Federal lands in Mono County, California, into trust for the benefit of the Bridgeport Indian Colony; **Pages H5096–98**

Repealing an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting: H.R. 5859, amended, to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting; **Pages H5098–H5100**

Pilot's Bill of Rights: S. 1335, to amend title 49, United States Code, to provide rights for pilots; **Pages H5100–02**

Edwin L. Mechem United States Courthouse Designation Act: H.R. 3742, to designate the United States courthouse located at 100 North Church Street in Las Cruces, New Mexico, as the "Edwin L. Mechem United States Courthouse"; **Pages H5102–03**

Robert H. Jackson United States Courthouse Designation Act: H.R. 3556, to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse"; **Pages H5103–04**

Robert Boochever United States Courthouse Designation Act: H.R. 4347, to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boochever United States Courthouse"; **Pages H5104–05**

Nicky "Nick" Daniel Bacon Post Office Designation Act: H.R. 3870, to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the "Nicky 'Nick' Daniel Bacon Post Office"; **Pages H5110–11**

Corporal Kyle Schneider Post Office Building Designation Act: H.R. 5837, to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the "Corporal Kyle Schneider Post Office Building"; **Pages H5111–12**

National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office Designation Act: H.R. 3593, to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the "National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office"; **Page H5112**

Army First Sergeant David McNerney Post Office Building Designation Act: H.R. 3477, to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the Army First Sergeant David McNerney Post Office Building, by a ⅔ yea-and-nay vote of 379 yeas with none voting "nay", Roll No. 501; **Pages H5112–13, H5116–17**

Judge Shirley A. Tolentino Post Office Building Designation Act: H.R. 2896, to designate the facility of the United States Postal Service located at 369 Martin Luther King Jr. Drive in Jersey City, New Jersey, as the "Judge Shirley A. Tolentino Post Office Building"; and **Pages H5113–14**

Warren Lindley Post Office Designation Act: H.R. 1369, to designate the facility of the United States Postal Service located at 1021 Pennsylvania Avenue in Hartshorne, Oklahoma, as the "Warren Lindley Post Office". **Page H5114**

Suspensions—Failed: The House failed to agreed to suspend the rules and pass the following measures:

Indian Tribal Trade and Investment Demonstration Project Act: H.R. 2362, amended, to facilitate economic development by Indian tribes and encourage investment by Turkish enterprises, by a ⅔ yea-and-nay vote of 222 yeas to 160 nays, Roll No. 499 and **Pages H5088–96, H5115**

Allowing a State or local government to construct levees on certain properties otherwise designated as open space lands: S. 2039, to allow a State or local government to construct levees on certain properties otherwise designated as open space lands, by a ⅔ yea-and-nay vote of 126 yeas to 254 nays, Roll No. 500. **Pages H5105–10, H5115–16**

Presidential Message: Read a message from the President wherein he reported to Congress that he has issued an Executive Order taking additional steps with respect to the national emergency declared in Executive Order 13536 of April 12, 2010 relating to Somalia—referred to the Committee on

Foreign Affairs and ordered to be printed (H. Doc. 112–126). **Pages H5082–83**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H5115, H5115–16 and H5116–17. There were no quorum calls.

Adjournment: The House met at 12 noon and adjourned at 8:57 p.m.

Committee Meetings

On Friday, July 20, 2012, the Committee concluded a hearing to examine the following:

IMPACT OF THE DODD-FRANK ACT ON MUNICIPAL FINANCE

Committee on Financial Services: Subcommittee on Capital Markets and Government Sponsored Enterprises held a hearing entitled ''The Impact of the Dodd-Frank Act on Municipal Finance''. Testimony was heard from public witnesses.

On Friday, July 20, 2012, the Committee concluded a hearing to examine the following:

LEGISLATIVE MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following measures: H.R. 5744 the ''Catastrophic Wildfire Prevention Act of 2012''; H.R. 5960, the ''Depleting Risk from Insect Infestation, Soil Erosion, and Catastrophic Fire Act of 2012''; and H.R. 6089, to address the bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires on National Forest System land and land under the jurisdiction of the Bureau of Land Management in the United States by expanding authorities established in the Healthy Forest Restoration Act of 2003 to provide emergency measures for high-risk areas identified by such States, to make permanent Forest Service and Bureau of Land Management authority to conduct good-neighbor cooperation with States to reduce wildfire risks, and for other purposes. Testimony was heard from Representatives Gosar, Markey, and Tipton; and Mary Wagner, Associate Chief, Forest Service, Department of Agriculture; Ed Roberson, Assistant Director, Renewable Resources and Planning, Bureau of Land Management, Department of the Interior; Doyel Shamley, Natural Resource Coordinator, Apache County, Arizona; Tom Jankovsky, Commissioner, Garfield County, Colorado; Dan Gibbs, Commissioner, Summit County, Colorado; and public witnesses.

On Friday, July 20, 2012, the Committee concluded a hearing to examine the following:

HELIUM: SUPPLY SHORTAGES IMPACTING OUR ECONOMY, NATIONAL DEFENSE AND MANUFACTURING

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing entitled ''Helium: Supply Shortages Impacting our Economy, National Defense and Manufacturing''. Testimony was heard from Tim Spisak, Deputy Assistant Director, Minerals and Realty Management, Bureau of Land Management, Department of the Interior; and public witnesses.

Committee Hearings

On Monday, July 23, 2012, the Committee concluded a hearing to examine the following:

REGULATORY FREEZE FOR JOBS ACT OF 2012; AND CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

Committee on Rules: Full Committee held a hearing on the following: H.R. 4078, the ''Regulatory Freeze for Jobs Act of 2012''; and H.R. 6082, the ''Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan''. The Committee granted, by a record vote, a structured rule for H.R. 4078. The rule provides two hours of general debate equally divided among and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Committee on Oversight and Government Reform. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–28, as modified by the amendment printed in Part A of the Rules Committee report, shall be considered as adopted. The bill, as amended, shall be considered as read. The rule waives all points of order against provisions in the bill, as amended. The rule makes in order only those further amendments to H.R. 4078 printed in Part B of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in Part B of the report. The rule provides one motion to recommit H.R. 4078 with or without instructions.

The resolution further provides for a structured rule for H.R. 6082. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for purpose of amendment the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–29 and provides that it shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute. The rule makes in order only those amendments to H.R. 6082 printed in Part C of the Rules Committee report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in Part C of the report. Finally, the rule provides one motion to recommit H.R. 6082 with or without instructions. Testimony was heard from Chairmen Issa and Hastings (WA), Representatives Cummings, Lankford, Griffin (AR), Watt, Johnson (GA), Manzullo, Frank (MA), Posey, Schweikert, Markey (MA), Woolsey, and Courtney.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JULY 24, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine housing partnerships in Indian country, 10 a.m., SD–538.

Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine private student loans, focusing on providing flexibility and opportunity to borrowers, 2:30 p.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the Cable Act at 20, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine assessing the opportunities for, current level of investment in, and barriers to the expanded usage of natural gas as a fuel for transportation, 10 a.m., SD–366.

Committee on Environment and Public Works: with the Subcommittee on Superfund, Toxics and Environmental Health, to hold a joint oversight hearing to examine Environmental Protection Agency authorities and actions to control exposures to toxic chemicals, 10 a.m., SD–406.

Committee on Foreign Relations: to receive a closed briefing on an intelligence update on Syria, 10 a.m., SVC–217.

Committee on the Judiciary: Subcommittee on Immigration, Refugees and Border Security, to hold hearings to examine strengthening the student visa system, 10 a.m., SD–226.

Subcommittee on the Constitution, Civil Rights and Human Rights, to hold hearings to examine responding to Citizens United and Super PACs, 2:30 p.m., SH–216.

Select Committee on Intelligence: to hold a closed markup session to consider certain intelligence matters, 2:30 p.m., SH–219.

CONGRESSIONAL PROGRAM AHEAD

Week of July 24 through July 27, 2012

Senate Chamber

Cloture was filed on the motion to proceed to consideration of S. 3412, Middle Class Tax Cut Act. If no agreement is reached, the cloture vote on the motion to proceed to consideration of the bill will occur on Wednesday.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Agriculture, Nutrition, and Forestry: July 26, to hold hearings to examine S. 3239, to provide for a uniform national standard for the housing and treatment of egg-laying hens, 9:30 a.m., SR–328A.

Committee on Appropriations: July 25, Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine the impact of sequestration on education, 10 a.m., SD–124.

July 25, Subcommittee on Energy and Water Development, to hold hearings to examine the proper size of the nuclear weapons stockpile to maintain a credible U.S. deterrent, 10 a.m., SD–192.

Committee on Banking, Housing, and Urban Affairs: July 24, to hold hearings to examine housing partnerships in Indian country, 10 a.m., SD–538.

July 24, Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine private student loans, focusing on providing flexibility and opportunity to borrowers, 2:30 p.m., SD–538.

July 26, Full Committee, to hold hearings to examine the Financial Stability Oversight Council's annual report to Congress, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: July 24, to hold hearings to examine the Cable Act at 20, 2:30 p.m., SR–253.

July 25, Full Committee, to hold hearings to examine the International Space Station, focusing on research, collaboration, and discovery, 10 a.m., SR–253.

July 25, Full Committee, to hold hearings to examine short-supply prescription drugs, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: July 24, to hold hearings to examine assessing the opportunities for, current level of investment in, and barriers to the expanded usage of natural gas as a fuel for transportation, 10 a.m., SD–366.

July 25, Subcommittee on Water and Power, to hold an oversight hearing to examine the role of water use efficiency and its impact on energy use, 2:30 p.m., SD–366.

Committee on Environment and Public Works: July 24, with the Subcommittee on Superfund, Toxics and Environmental Health, to hold a joint oversight hearing to examine Environmental Protection Agency authorities and actions to control exposures to toxic chemicals, 10 a.m., SD–406.

July 25, Full Committee, business meeting to consider S. 847, to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, S. 357, to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, S. 810, to prohibit the conducting of invasive research on great apes, S. 1494, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, S. 2071, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps, S. 2156, to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users, S. 2282, 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. 3370, to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation, S. 2251, to designate the United States courthouse located at 709 West 9th Street, Juneau, Alaska, as the Robert Boochever United States Courthouse, S. 2326, to designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse'', S. 1735, to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi, the nomination of Major General John Peabody, United States Army, to be a Member and President of the Mississippi River Commission, proposed resolutions relating to the General Services Administration, and proposed resolutions in the Corps Study, city of Norfolk, Virginia and Port Fourchon, Louisiana, 10 a.m., SD–406.

Committee on Finance: July 25, to hold hearings to examine education tax incentives and tax reform, 10 a.m., SD–215.

Committee on Foreign Relations: July 24, to receive a closed briefing on an intelligence update on Syria, 10 a.m., SVC–217.

July 25, Subcommittee on Near Eastern and South and Central Asian Affairs, to hold hearings to examine Iran's support for terrorism in the Middle East, 10 a.m., SD–419.

July 25, Full Committee, to hold hearings to examine S. 2215, to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, focusing on economic statecraft, 3 p.m., SD–419.

July 26, Full Committee, business meeting to consider The Convention on the Rights of Persons with Disabilities, Adopted by the United Nations General Assembly on December 13, 2006, and Signed by the United States of America on June 30, 2009 (Treaty Doc 112–7), 9:30 a.m., SD–G50.

Committee on Health, Education, Labor, and Pensions: July 26, Subcommittee on Children and Families, to hold hearings to examine the Child Care and Development Block Grant (CCDBG) reauthorization, focusing on helping to meet the child care needs of American families, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: July 25, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine assessing grants management practices at Federal agencies, 2:30 p.m., SD–342.

Committee on Indian Affairs: July 26, to hold an oversight hearing to examine the regulation of tribal gaming, focusing on brick and mortar to the internet, 2:15 p.m., SD–628.

Committee on the Judiciary: July 24, Subcommittee on Immigration, Refugees and Border Security, to hold hearings to examine strengthening the student visa system, 10 a.m., SD–226.

July 24, Subcommittee on the Constitution, Civil Rights and Human Rights, to hold hearings to examine responding to Citizens United and Super PACs, 2:30 p.m., SH–216.

July 25, Full Committee, to hold hearings to examine ensuring judicial independence through civics education, 10 a.m., SH–216.

July 26, Full Committee, business meeting to consider S. 225, to permit the disclosure of certain information for the purpose of missing child investigations, S.J. Res. 44, granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding, and the nominations of Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois, and Jon S. Tigar, and William H. Orrick III, of the District of Columbia, both to be a United States District Judge for the Northern District of California, 10 a.m., SD–226.

July 26, Full Committee, to hold hearings to examine the nominations of William Joseph Baer, of Maryland, to be an Assistant Attorney General, Department of Justice, 1 p.m., SD–226.

Select Committee on Intelligence: July 24, to hold a closed markup session to consider certain intelligence matters, 2:30 p.m., SH–219.

July 26, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: July 25, to hold hearings to examine enhancing women's retirement security, 2 p.m., SD–562.

House Committees

Committee on Agriculture, July 25, Full Committee, hearing entitled ''Oversight of the Swaps and Futures Markets: Recent Events and Impending Regulatory Reforms'', 10 a.m., 1300 Longworth.

Committee on Appropriations, July 26, Full Committee, hearing on the Department of Homeland Security—Chemical Facility Anti-Terrorism Standards (CFATS) Program, 10 a.m., 2359 Rayburn.

Committee on Armed Services, July 24, Subcommittee on Oversight and Investigations, hearing on Afghan National Security Forces and Security Lead Transition: The Assessment Process, Metrics, and Efforts to Build Capability, 2 p.m., 2212 Rayburn.

July 25, Committee on Armed Services and Committee on Veterans' Affairs, joint hearing on Back from the Battlefield: DOD and VA Collaboration to Assist Service Members Returning to Civilian Life, 10 a.m., 2118 Rayburn,

July 25, Subcommittee on Emerging Threats and Capabilities, hearing on Digital Warriors: Improving Military Capabilities for Cyber Operations, 3:30 p.m., 2118 Rayburn.

July 26, Subcommittee on Readiness, hearing on Civilian Workforce Requirements—Now and Across the Future Years Defense Program, 11:30 a.m., 2212 Rayburn.

Committee on Education and the Workforce, July 24, Subcommittee on Early Childhood, Elementary, and Secondary Education, hearing entitled ''Education Reforms: Discussing the Value of Alternative Teacher Certification Programs'', 10 a.m., 2175 Rayburn.

July 25, Subcommittee on Health, Employment, Labor, and Pensions, hearing entitled ''Examining Proposals to Strengthen the National Labor Relations Act'', 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, July 24, Subcommittee on Environment and the Economy and Subcommittee on Energy and Power, joint hearing entitled ''NRC Policy and Governance Oversight'', 10 a.m., 2123 Rayburn.

July 24, Subcommittee on Energy and Power, begin markup of the ''No More Solyndras Act'', 4 p.m., 2123 Rayburn.

July 25, Subcommittee on Energy and Power, continue markup of the ''No More Solyndras Act'', 10 a.m., 2123 Rayburn.

Committee on Financial Services, July 24, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Examining Consumer Credit Access Concerns, New Products and Federal Regulations,'' 10 a.m., 2128 Rayburn

July 24, Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''The Impact of Dodd-Frank's Insurance Regulations on Consumers, Job Creators, and the Economy,'' 2 p.m., 2128 Rayburn.

July 25, Full Committee, hearing entitled ''The Annual Report of the Financial Stability Oversight Council'', 9:30 a.m., 2128 Rayburn.

July 26, Subcommittee on Capital Markets, hearing entitled ''The 10th Anniversary of the Sarbanes-Oxley Act'', 9:30 a.m., 2128 Rayburn.

Committee on Foreign Affairs, July 24, Subcommittee on Europe and Eurasia, hearing entitled ''U.S. Engagement in Central Asia'', 2 p.m., 2172 Rayburn.

July 25, Full Committee, hearing entitled ''Investigating the Chinese Threat, Part Two: Human Rights Abuses, Torture and Disappearances'', 10 a.m., 2172 Rayburn.

Committee on Homeland Security, July 24, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, hearing entitled ''Securing Federal Facilities: An Examination of FPS Progress in Improving Oversight and Assessing Risk'', 10 a.m., 311 Cannon.

July 25, Full Committee, hearing entitled ''Understanding the Homeland Threat Landscape'', 10 a.m., 311 Cannon.

July 26, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, hearing entitled ''Preventing Nuclear Terrorism: Does DHS have an Effective and Efficient Nuclear Detection Strategy?'', 10 a.m., 311 Cannon.

Committee on the Judiciary, July 24, Full Committee, hearing on H.R. 3179, the ''Marketplace Equity Act of 2011'', 10 a.m., 2141 Rayburn.

July 24, Subcommittee on Immigration Policy and Enforcement, hearing entitled ''The Aftermath of Fraud by Immigration Attorneys'', 2 p.m., 2141 Rayburn.

July 25, Subcommittee on Crime, Terrorism, and Homeland Security, hearing entitled ''Beyond the Streets: America's Evolving Gang Threat'', 10 a.m., 2141 Rayburn.

July 25, Subcommittee on Intellectual Property, Competition and the Internet, hearing entitled ''Cloud Computing: An Overview of the Technology and the Issues facing American Innovators'', 12:30 p.m., 2141 Rayburn.

July 26, Subcommittee on the Constitution, hearing on the U.S. Department of Justice Civil Rights Division, 9:30 a.m., 2141 Rayburn.

Committee on Natural Resources, July 24, Full Committee, hearing entitled ''The Impact of Catastrophic Forest Fires and Litigation on People and Endangered Species: Time for Rational Management of our Nation's Forests'', 10 a.m., 1324 Longworth.

July 24, Subcommittee on Indian and Alaska Native Affairs, hearing on the following: H.R. 726, to amend the Grand Ronde Reservation Act to make technical corrections, and for other purposes; H.R. 3319, to allow the Pascua Yaqui Tribe to determine the requirements for membership in that tribe; and legislation to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; and H.R. 6141, to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon, 2 p.m., 1334 Longworth.

July 25, Full Committee, hearing entitled ''Investigation of President Obama's Gulf Drilling Moratorium:

Questioning of Key Department of the Interior Officials'', 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, July 24, Subcommittee on National Security, Homeland Defense and Foreign Operations, hearing entitled ''Dawood National Military Hospital, Afghanistan: What Happened and What Went Wrong?'', 10 a.m., 2154 Rayburn.

July 24, Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs, hearing entitled ''Credit Crunch: Is the CFPB Restricting Consumer Access to Credit?'', 10 a.m., 2247 Rayburn.

July 24, Subcommittee on Health Care, District of Columbia, Census and the National Archives, hearing entitled ''Meth Revisited: Review of State and Federal Efforts to Solve the Domestic Methamphetamine Production Resurgence'', 9:30 a.m., 2203 Rayburn.

July 25, Full Committee, hearing entitled ''GAO Report: The Obama Administration's $8 Billion Extralegal Healthcare Spending Project'', 9:30 a.m., 2154 Rayburn.

Committee on Science, Space, and Technology, July 25, Full Committee, hearing entitled ''Drought Forecasting, Monitoring and Decision-making: A Review of the National Integrated Drought Information System'', 10 a.m., 2318 Rayburn.

July 26, Subcommittee on Energy and Environment, hearing entitled ''Review of DOE Vehicle Technologies Program Management and Activities: Assuring Appropriate and Effective Use of Taxpayer Funding'', 9:30 a.m., 2318 Rayburn.

Committee on Small Business, July 25, Full Committee, hearing entitled ''Tales of Resilience: Small Business Survival in the Recession'', 1 p.m., 2360 Rayburn.

July 26, Subcommittee on Agriculture, Energy and Trade, hearing entitled ''Market Closed: Foreign Trade Barriers Facing Small Agriculture Exporters'', 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, July 24, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing entitled ''A Review of Building Codes and Mitigation Efforts to Help Minimize the Costs Associated with Natural Disasters'', 10 a.m., 2167 Rayburn.

July 25, Subcommittee on Water Resources and Environment, hearing entitled ''Integrated Planning and Permitting, Part 2: An Opportunity for EPA to Provide Communities with Flexibility to Make Smart Investments in Water Quality'', 10 a.m., 2167 Rayburn.

Committee on Ways and Means, July 24, Subcommittee on Health, hearing on physician organization efforts to promote high quality care and implications for Medicare physician payment reform, 10 a.m., 1100 Longworth.

July 25, Subcommittee on Oversight, hearing on Public Charity Organizational Issues, Unrelated Business Income Tax, and the Revised Form 990, 9:30 a.m., 1100 Longworth.

July 25, Full Committee held a hearing on SSI financial eligibility requirements and the use of technology to improve their administration, 2 p.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, July 26, Full Committee, hearing on ongoing intelligence activities, 9 a.m., HVC–304. This is a closed hearing.

Next Meeting of the SENATE

10 a.m., Tuesday, July 24

Senate Chamber

Program for Tuesday: The Majority Leader will be recognized.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

(At 3:40 p.m., the Senate will observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Tuesday, July 24

House Chamber

Program for Tuesday: Consideration of the following measures under suspension of the Rules: (1) H.R. 459—Federal Reserve Transparency Act; (2) H.R. 4157—Preserving America's Family Farms Act, as amended; and (3) H.R. 5986—To amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, and to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003. Consideration of H.R. 6082—Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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Burton, Dan, Ind., E1299
Cantor, Eric, Va., E1298
Guinta, Frank C., N.H., E1296
Hirono, Mazie K., Hawaii, E1297
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Johnson, Eddie Bernice, Tex., E1301
Kucinich, Dennis J., Ohio, E1295, E1298
Lofgren, Zoe, Calif., E1295
McCaul, Michael T., Tex., E1296
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Owens, William L., N.Y., E1296
Rangel, Charles B., N.Y., E1298
Reyes, Silvestre, Tex., E1301
Richardson, Laura, Calif., E1295, E1298
Rogers, Harold, Ky., E1296, E1299
Austin, David, Ga., E1300
Slaughter, Louise McIntosh, N.Y., E1299
Thompson, Bennie G., Miss., E1295, E1297, E1300

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