United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 113th CONGRESS, FIRST SESSION

Vol. 159 WASHINGTON, THURSDAY, SEPTEMBER 19, 2013 No. 124

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Kenneth Kolibas, pastor at St. Joseph Church in Raritan, NJ.

The guest Chaplain offered the following prayer:

Let us pray.

Dear Lord in Heaven, You blessed the creation of this great Nation of men and women and today I ask for the continuance of Your support and guidance of the women and men of the Senate. Bless them with the wisdom necessary to make tough decisions concerning our Nation and its well-being. Guide them toward keeping our Nation strong, free, and generous. Help them to use their talents and gifts to benefit our Nation and come to the aid of those in need. May they be the best of teachers as role models for the future generations of our country. Please bless them with good health and the ability to do the work that is brought before them. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer 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. LEAHY).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 19, 2013.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BRIAN SCHATZ, a Senator from the State of Hawaii, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Mr. SCHATZ thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I yield to the junior Senator from New Jersey to speak about the Chaplain today.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

WELCOMING THE GUEST CHAPLAIN

Mr. CHIESA. Mr. President, I rise today to recognize my pastor, Father Ken Kolibas, who is joining us here in Washington today.

I am honored and delighted that Father Ken Kolibas, pastor of the Church of St. Joseph in Raritan, NJ, is serving as our guest chaplain today. Father Ken is the pastor and spiritual leader for the people of St. Joseph's and for the larger community.

Father Ken began his working career as a small businessman in New Jersey. When he was 23 years old, he opened Ken's Flowers and Gifts in Carteret, NJ. He quickly became a respected leader of the business community. But Father Ken later received and answered the call to ministry, and he now dedicates his life to our spiritual growth. His commitment and generosity to the members of our parish is unwavering, and his door is open to anyone who seeks his guidance.

The Church of St. Joseph's is nearing the conclusion of its year-long celebration of its 100th year. We are fortunate at St. Joseph's to have Father Ken as our pastor and our leader, and I am proud to have him as our guest chaplain today.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following my remarks the Senate will be in a period of morning business. The majority will control the first 30 minutes and the Republicans will control the second 30 minutes. Following morning business we will resume consideration of S. 1392.

ECONOMIC RECOVERY

Mr. REID. Mr. President, it was about five decades ago that Vice President Humphrey predicted it was possible to eradicate poverty in America. In fact, this is what he said: ''We can banish hunger from the face of the Earth.'' That was in 1965.

Today, in 2013, there are more than 50 million people living in the United States—including 150,000 families in Nevada—who don't know where their next meal will come from. In the richest country in the world, one in six is in danger of going to bed hungry tonight, and half of those people are children.

But despite these sobering numbers—and despite these difficult economic times—House Republicans have turned their backs on American families struggling to put food on the table. It is true the bill being considered in the House of Representatives today would save $40 billion. How would it save that $40 billion? By snatching food out of the hands of millions of the neediest children and their families.

Why are there people on food stamps? We have tried to create a safety net so

these people have at least the basics of being able to have a meal during the day.

House Republicans are determined to gut the nutrition assistance program in the name of austerity, even though 9 out of 10 recipients are families with children, senior citizens, or people with disabilities. These needy Americans aren't exactly living a life of excess on the government's dime. They get about $4 in food assistance each day.

One of my favorite things I like to do in Nevada and here in Washington is to go grocery shopping. It is such a diversion for me. I love going grocery shopping to look around, buy things. Landra and I are without our children and our grandchildren—we live alone—but we still buy food and I enjoy that so very much. So I have a good idea how much $4 will buy, or $4.50 to be specific. That is enough money to buy, if one is lucky, a pound of hamburger. They have different grades of hamburger. They have the expensive kind, the not so expensive, and then the cheaper kind. Even for the cheaper kind, $4 couldn't buy a pound of that most of the time. A gallon of milk costs about four bucks. So a person couldn't buy them both on the same day; a person certainly couldn't buy hamburger and milk on the same day.

It is possible to make important reforms to both farm and food stamp programs without balancing the budget on the backs of people who are hungry. But instead of cutting waste and eliminating fraud, the House Republicans would cut lunches for 210,000 children and eliminate food assistance for 170,000 veterans.

There is another way. It was done here in the Senate under the direction of Chairwoman STABENOW: the bipartisan Senate agricultural bill, passed under her direction and that of the ranking member. It saves $23 billion without forcing needy children to skip meals. It does it fairly. If the Senate farm bill came to the House of Representatives floor, it would pass overwhelmingly, but the Republican leadership won't let Democrats vote. That is why they will probably pass this very mean-spirited piece of legislation today, because only Republicans will be allowed to vote on it.

The House Republican leadership refuses to consider any bill that would garner votes from both parties. Leave it to the House of Representatives to take the hard way whenever possible.

These same reckless Republicans are also determined to take the uphill route to passing a CR—a continuing resolution. What does that do? It funds the government. Instead of doing what is necessary to keep the economy on a firm footing, Republicans are obsessed with denying and undermining the law of the land—ObamaCare. Remember, the law passed about 4 years ago and the Supreme Court declared it constitutional. Many good things are already working to keep people who are sick from declaring bankruptcy. It is a good piece of legislation that will make America like all modern nations and have health care for everybody, with rare exception.

Watching the Republican Party self-destruct—and that is not coming from me; that is what pundits are saying all over the country—would be good political theater, to watch them self-destruct—and that is what they are doing—if there were not so much at stake.

The economic consequences of a government shutdown are deadly serious. Even today, when I had my news briefing—the Republicans are openly fighting against each other now. Senate Republicans are saying, Well, we know we don't have enough votes to get rid of ObamaCare, but let's send it back to the House and let them hang tough. The House Republicans are saying, Why aren't the Senate Republicans doing it themselves?

The consequences of a government shutdown are deadly serious. The economic consequences of a first-ever default on the full faith and credit of the United States are deadly serious. Look what happened last time they threatened this: The stock market dropped 2,000 points. We lost our credit rating. It dropped.

Anyone listening to this doesn't have to take my word for it. The U.S. Chamber of Commerce, not noted for being this base of liberality in the country, wrote to Members of the House yesterday, saying: Prevent a shutdown. Ease the fears of default. Specifically, here is what they said:

> It is not in the best interests of the United States or its business community or the American people to risk even a brief government shutdown that might trigger disruptive consequences or raise new policy uncertainties washing over the U.S. economy.

The quote continues:

> Likewise, the U.S. Chamber respectfully urges the House of Representatives to raise the debt ceiling in a timely manner and thus eliminate any question of threat to the full faith and credit of the United States.

But in spite of these warnings from the largest business organization in the country, Republicans either don't realize the stakes or simply don't care. They are willing to put the Nation's economic recovery at risk to make an ideological point.

What remains to be seen is how many innocent Americans will be hurt by their reckless political games. How many children will go to school without breakfast? How many workers will lose their jobs? How many seniors will lose their retirement? How many businesses will lose their hard-earned investments if Republicans tank the economy?

I only hope the anarchists in the House of Representatives come to their senses before it is too late.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

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

UNANIMOUS CONSENT REQUEST—S. 1514

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 191, S. 1514, the Saving Coal Jobs Act. I ask unanimous consent that the bill be read a third time and passed without intervening action or debate, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I know how important coal is to the States of Kentucky, West Virginia, Indiana, and a lot of States feel very strongly about coal. We will be happy to work with the Republican leader and others who are concerned about the coal issue in the United States to come up with a procedure where we can try to figure out a way to get a vote on this and have a reasonable debate on it. So I will be happy to work with the Republican leader, but based on my brief review, I think it best now for me to object, and I do object.

The ACTING PRESIDENT pro tempore. Objection is heard.

WAR ON COAL

Mr. MCCONNELL. Mr. President, I might say we have a genuine emergency in Kentucky—a depression in eastern Kentucky—as a result of what this administration has done and is about to further do this very week, directed at the jobs and livelihood of my constituents. So it is for us a genuine emergency.

The EPA is due this week to announce regulations capping carbon emissions on new coal-fired powerplants. It is just the latest administration salvo in its never-ending war on coal, a war against the very people who provide power and energy for our country. The EPA has already stifled the permitting process for new coal mines. The Agency has done this so dramatically that they have effectively shut down many coal mines through illegitimate, dilatory tactics.

The EPA's actions ignore the thousands of people in my home State of Kentucky who depend on the coal industry for their livelihoods. Kentucky's own Jimmy Rose, a veteran and former coal miner, said it best in

the title to his song: ''Coal Keeps the Lights On.'' Coal keeps the lights on.

In the year President Obama took office, there were over 18,600 employed in the coal industry in my State. Over 18,600 Kentuckians were employed in the coal industry in my State the year President Obama took office. But as of September 2013—this month—the number of persons employed in Kentucky coal mines is down to 13,000. That is 18,600 when the President took office; 13,000 today employed in coal mines in my State.

The picture is actually getting worse instead of better. This week a major employer announced 525 layoffs in eastern Kentucky mines. This news ironically came out on the same day the President announced that his proposals, according to him anyway, are helping to strengthen the economy. Try and tell that—try and tell that—to the hard-working coal miners in eastern Kentucky that this is a way to strengthen the economy. These people are now trying to figure out how to feed their families and pay their bills.

Kentucky coal miners have suffered far too much already. Congress cannot idly sit by and let the EPA unilaterally destroy a vital source of energy and a vital source of employment. That is the reason I sought a few moments ago to bring up and pass the Saving Coal Jobs Act. Saving coal jobs is the single most important accomplishment in the near term for the people of Kentucky. It is a combination of two bills, both of which have languished in committee for literally months.

The bill would essentially repeal the administration's declaration of war against coal. The first part of the bill would prevent the EPA from regulating carbon on new and existing coal plants; the second would force the EPA to stop stalling on mining permits.

It is time to act on the Saving Coal Jobs Act. The time to act is now. This is a genuine emergency in the Commonwealth of Kentucky.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Arkansas.

THE FARM BILL

Mr. PRYOR. Mr. President, I rise to talk about the farm bill. Ten days, that is all the time we have to work out some agreement on our farm legislation before we revert to the 1949 farm policy in this country.

Let me make this very clear to the American people and to my colleagues. This has nothing to do with the traditional battle lines in agriculture. This is not one of those Midwest farming versus Southern farming type scenarios. This is not a specialty crop versus a row crop type issue. This has nothing to do with that at all. It is an ideological fight, where we see hyperpartisanship and gridlock politics taking over the Congress.

Today, the House of Representatives has a vote. It is a very important vote. What they are proposing is that they cut $40 billion from the nutrition title over 10 years. That is $40 billion.

Here again, this is not about a traditional fight that you see and you have seen for decades in agriculture. This is about hunger in America. It is a sad fact. It is something that maybe people in this building do not like to acknowledge. But we have people who are hungry in this country. They may be people with whom we go to church. They may be our neighbors. They may be friends, coworkers, folks with whom we graduated from high school. They could be seniors or children or the working poor. But we have people in this country who are hungry today.

Can you imagine America being the land of plenty and having hungry people and having folks in this building—in the Chamber of the House of Representatives—voting to not lend a helping hand when people need it the most?

I am reminded of that great song, ''America the Beautiful,'' where it starts out:

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!

It goes on and on and on to talk about the riches of this great country. But, unfortunately, as I said, today we have way too much hunger in our Nation.

The Congress can do something about that. The Congress can do something about it. In fact, the Senate already has done something about it. Thanks to Senator STABENOW and Senator COCHRAN and the bipartisan efforts on the Senate Agriculture Committee, they made responsible reforms in SNAP, in other nutrition programs to streamline and fix and correct and improve the nutrition title. They went after what we are concerned about, such as waste and abuse of the system, and fraud. We all know you have some of that in these programs. But we have a saying in our State. It is kind of a country saying. I know people have heard it before. But we say: If it ain't broke, don't fix it. Our agriculture law in this country ain't broke.

It can be improved, and I think that is what the Senate has done. The Senate has been responsible. The Senate has worked in a bipartisan way. Again, that bill passed through this Chamber a few months ago with 66 votes, a very bipartisan vote. That is the solution. That is the solution of us working together.

Unfortunately, again we have people down the hall in the House of Representatives who are going to put that in jeopardy with a ''my way or the highway'' political solution. This is not good for the country.

I think the reason some of these folks are doing this is because they do not understand the impact their decision could have on this country. But let me put it in perspective. When we look at America, there are lots of different ways to look at agriculture and look at our economy and look at the global economy, but one way is this: We have several core strengths in the U.S. economy. We do some things better than anybody else in the world, and one of those is agriculture.

If we look at investment, if we look at innovation, if we look at new farming practices and ways to conserve water—how to get more per acre—all these things that improve and increase production and nutrition, et cetera, et cetera, et cetera, they come from America. It is one of the core strengths of the U.S. economy. Everybody in the world wants to be like America when it comes to agriculture. Everybody wants what we have. They copy us. They model what they do after this country. It is something we should be proud of. I know inside the beltway it is not very exciting, it is not very flashy, but we have the safest and highest quality and, in relative terms, the cheapest food supply in the entire world. It is one of the true reasons for America's strength.

But, unfortunately, if we do not pass a new farm bill by September 30, we run the risk of putting all that in jeopardy, and there could be dire consequences. There is no question about it. If we talk to all the experts, talk to all the economists, talk to the people who understand this, what we can see very clearly is that crop prices will destabilize, and that means some prices will go up, some will go down.

For example, soybean farmers all over this country are going to lose their crop support. They are going to lose that protection that has been there since the 1960s. Because it was not there in 1949, it will be gone, and that will be devastating to the soybean industry. That is just one little piece of the puzzle.

I could go on and on. We have a huge trade deficit in this country. We know that. But our saving grace, when it comes to trade, is agriculture. Those export programs to sell our ag products overseas will be lost if this agreement is not reached.

Again, food prices will rise dramatically. We have heard others talk about that even this morning. The Democratic leader mentioned it. But it is going to hurt not only farmers, it is going to hurt families all over this country.

This is personal to me. I know in the Acting President pro tempore's home State of Hawaii they have a huge agricultural sector. I know it is very important to his State. Everybody thinks of how beautiful Hawaii is and tourism and all that, but agriculture is critically important to his State's economy, just like it is for the other 49 States. In almost every State—maybe with one or two exceptions—agriculture is very critical to that State's economy. That is true for Arkansas.

Again, this is very personal for me. One in six jobs in our State is related directly or indirectly to agriculture. Agriculture—we love our Fortune 500 companies. We love having them. We have several that are based in Arkansas. We are proud of them. But 25 percent of our State's economy is tied to agriculture—25 percent.

So the question is, How do we fix this? It is something we will never hear on the talk shows. We will not hear the talking heads chatter on about this. But the way we fix it is to work in a bipartisan way, to come together, to be very responsible—as the Senate has been on this issue—to put something together, and to get it done.

This is why groups in my State, such as the Arkansas Farm Bureau, Agricultural Council of Arkansas, Riceland Foods, Arkansas Rice Growers Association, Tyson Foods, the Arkansas Cattlemen's Association, et cetera, et cetera, et cetera—the list goes on—all supported what we did in the Senate, and they do not support what is going on in the House right now.

But even more important than the groups, I have been around my State, of course, all year—and over the last 10 years. But during the August recess, I went around the State, and every time I saw a farmer—and I literally talked to hundreds of them—they said: Please, please, don't let this happen. Don't let this happen. Why do we want to put all this at risk? What we have now is working. Sure, we can make improvements. Yes, we support the Senate bill. Even though the Senate bill is not perfect, we support that because we know the importance of agriculture.

I would ask my House colleagues to please get themselves out of this manufactured crisis they have created for us all. Let's turn off the politics. Let's work together. The American people are counting on us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, are we in morning business at this time?

The ACTING PRESIDENT pro tempore. We are.

Mr. DURBIN. Does the majority have the control for an additional period of time?

The ACTING PRESIDENT pro tempore. Yes.

Mr. DURBIN. How much time is remaining?

The ACTING PRESIDENT pro tempore. There is 20½ minutes.

Mr. DURBIN. Thank you very much, Mr. President.

FACING DEADLINES

Mr. DURBIN. Mr. President, the news out of Washington is not encouraging. It looks as though we are facing a government shutdown and the possibility of even a default on the debt. These are totally unnecessary. There is nothing that is forcing this, other than the political will of some people, and both are disastrous.

Shutting down the government, of course, runs the risk of disrupting Social Security payments, veterans' checks. It, of course, is damaging to our economy. At a time when we are recovering, but slowly, and we need to create jobs, it does not make any sense.

We are facing a deadline, obviously, of October 1 for a new fiscal year. We passed a budget in the Senate back at the end of March, if I remember correctly. Senator PATTY MURRAY of Washington, the chairman of the Senate Budget Committee, worked through a budget that passed. We then asked for the obvious: Let's have a meeting with the House. It is controlled by Republicans. We have a Democratic majority here. Why don't we sit down now and work out our differences? The difference between the two budgets, about $92 billion—substantial for sure but something that is at least worth sitting down and discussing.

We came to the floor of the Senate repeatedly asking for a chance to sit down and work it out. Sadly, three or four Senators on the other side of the aisle continued to object. They would not let us sit down and talk. They would not let us try to find a bipartisan solution to this challenge, and it brings us to this moment.

Not having agreed on a budget resolution, we have been unable to pass appropriations bills—though they are ready in the Senate. I know a little bit about this because my new responsibility in the Appropriations Committee is the largest single bill. The bill I have worked on, with Senator COCHRAN, Republican of Mississippi, is a bill that covers all of the Defense Department and all of the intelligence agencies. I will tell you, it is the largest and a huge portion of our national discretionary budget—almost 60 percent.

We are ready. We prepared the bill. We want to bring this bill before the committee on the floor and have the debate that it deserves so our men and women in uniform are well served, our intelligence operations continue, and we acquire the necessities for the protection of America. Unfortunately, the same group that opposed sitting down with the House Republicans and finding a compromise has objected to taking up any spending bill on the floor of the Senate.

Where does that leave us? We have no budget, and we cannot take up a single spending bill because of the objections from the other side of the aisle. They are being guided by a few Members over there who are of a certain political faith that I cannot even describe who believe that chaos is the best. I do not.

I have been here for a little while. I have found good-faith efforts by Members on both sides of the aisle. Many Republican Senators—conservative, yes, but sensible—are willing to sit down and try to find answers to these issues.

That is the right thing. Sadly, what has happened over in the House is hard to explain. I read press reports. There are about 40 of the House Republicans who are so-called tea party Republicans who insist on shutting down the government and insist as well on defaulting on our national debt. They happen to believe that is a good way to push their position opposing health care reform, ObamaCare. They happen to believe that is the way to convince the American people they are right.

I think they are completely wrong. I never thought I would ever come to the floor of the Senate to quote Karl Rove. But in this morning's Wall Street Journal, for goodness' sake, he wrote a long article to his fellow Republicans saying: Wake up to reality. Independent voters, those who do not declare for either political party across America, think the tea party Republican strategy is disastrous.

He warned the Republican Party: If you are not careful, you are going to push those Independents over onto the Democratic side.

Far be it for me to not want to see that happen politically, but I certainly have to tell you that if it takes shutting down the government and shutting down the economy, I do not want it to happen. What Karl Rove has said to his follow Republicans is: Look at the reality of what you are doing to this party. You are destroying this party for the next election—this morning's Wall Street Journal.

I ask unanimous consent that article be printed in the RECORD at the conclusion of my remarks.

Most people do not even understand what a debt ceiling is. It is kind of hard for the average American to understand. Let me try to put it in simple terms. We spend more money than we raise in taxes. When we do that, we have to borrow money. The good news is that the amount each year is coming down dramatically, so our annual deficits are reducing, are coming down.

But when there is a difference, when we spend more than we have, we have to borrow it. In order to borrow it, there needs to be an overall authorization of the government. It is called the debt ceiling. So as we, for example, fund our military and borrow, say, 40 percent or 30 percent of what it takes to fund our military, as we borrow that, we need an authorization to do it.

There comes a point where we have used all our authority to borrow and

we have to increase our authority to borrow, lift the debt ceiling to cover our new debt for money already spent, money spent by Congress. Now we have a position being taken by some tea party Republicans, who may have voted for the spending but now do not want to vote for the borrowing. They cannot have it both ways.

What happens if we do not increase the debt ceiling? What it means is that for the first time in the history of the United States of America, we will default on our national debt—the first time. What does a default mean? Families understand this and businesses understand this. If you do not pay your debts as you are supposed to, bad things can happen: foreclosure, legal proceedings, but at a minimum it destroys your credibility as a borrower.

When your credibility as a borrower goes down, what happens? Interest rates go up for you. Translate that to America. If we default on our debt, if we fail to raise the debt ceiling for the first time in the history of the United States, interest rates go up. The dollars paid by American taxpayers to build roads, educate children, defend the United States are diminished because we have to pay more and more for interest on the money we borrow.

Can we avoid this? Of course, we can. This is a self-imposed problem, a problem that has been imposed by the tea party Republicans on the Congress and on the Nation that is totally unnecessary.

Let me say a word or two about the underlying issue of ObamaCare. It has been a little over 3 years now since we passed ObamaCare. The Supreme Court took up the bill, found it constitutional. It is underway. Certain provisions of this bill are already underway. The goal of it, of course, is to deal with the cost of health care and the availability of health insurance in America. This is important to individuals and families and businesses. It is also important to our government. Sixty percent of our national deficit, 60 percent of our national debt projected for the next 5 or 10 years is associated with the cost of health care.

We buy a lot of health care as a Federal Government: Medicare, for the elderly and disabled; Medicaid for those who are low income; veterans, to make certain we keep our promise to them for good medical care; Indian health care; a variety of others. So as health care costs go up, the costs to the government go up, and they squeeze out all other spending, spending on medical research, education, helping students have the money they need to go to college.

When we talk about the Affordable Care Act and ObamaCare, we are talking about dealing with a health care issue that directly impacts the debt of the United States of America. We passed this bill to try to start to reduce the cost of health insurance and to make health insurance more available.

We changed some critical aspects of health insurance. Does anyone following this debate know of a person with a preexisting condition—somebody in your family who maybe has high blood pressure, high cholesterol, asthma, diabetes, a history of cancer? All of those things can disqualify you—or could before this bill passed—from even having health insurance.

We said: That is the end of it. Health insurance companies have to take everybody—everybody. They cannot exclude a person for a preexisting condition. Take them all. Do not cherrypick the healthy people. Take them all.

The second thing we said was: Do not put a limit on the amount of money a health insurance policy will pay—for obvious reasons. You go to the doctor tomorrow, some member of your family gets a terrible diagnosis, a need for cancer treatment, and the bills start stacking up. If your health insurance policy has a cap or limit of, say, $50,000 or $100,0000, when you reach that limit, there goes all of your savings. You are finished.

So we eliminate the limits on coverage in health insurance policies. That is ObamaCare. When the Republicans come to the floor and say: We want to abolish ObamaCare, they are abolishing these protections in health insurance. They are abolishing the provision which says you cannot discriminate because of preexisting conditions. They are abolishing the provision that says there cannot be limits on your coverage. They are abolishing the provision which says 80 percent of the premiums you pay have to be used by the health insurance company to pay for medical care, not for profit-taking, not for advertising but for actual medical care.

There is more. Parents who are raising children going to college—I went through that, my wife and I did with our kids. How many times are you going to ask that young person just graduating from college: Jennifer, do you have your health insurance, have you bought any health insurance, and then have them tell you: Dad, I feel fine.

Let me tell you, as a parent, that is not a good answer. But many students graduating from college who cannot find a full-time job do not have health insurance. The Affordable Care Act, ObamaCare, says families can keep those young people on their own health insurance plan until they reach the age of 26. Across America, over 1 million young people now have protection because of this.

Also, in the Affordable Care Act, we start reducing the out-of-pocket costs of prescription drugs for seniors under Medicare. Medicare prescription Part D is the right thing to do. But there was a so-called doughnut hole, this period where seniors had to pay out of their pockets. We started closing that doughnut hole to make sure seniors did not lose their precious savings to buy the medicine they needed to stay healthy and independent and strong.

So when the Republicans say: We want to abolish ObamaCare and health care reform, they want to abolish this provision that will allow families to continue to cover their young people, their kids until the age of 26, and they want to abolish the provisions which say, basically, that those who are receiving Medicare prescription Part D will pay less out of pocket.

Those are just four or five parts of ObamaCare. The central part of it, which starts October 1—I think this is what makes some politicians on the Hill especially nervous. October 1 they will advertise across America the insurance exchanges. What is an insurance exchange? It is an opportunity for people to buy health insurance.

Many of them have never, ever in their lives been able to shop for health insurance. Now they can. If they are low-income families, they may not have to pay a premium or a reduced premium under these insurance exchanges. Are these insurance exchanges reliable, trustworthy? Can we count on them? We better because we put in the law that Members of Congress now have to buy their insurance on these very same health insurance exchanges. What is good for America should be good for Members of Congress.

In my State, there will be at least a half dozen plans to choose from. In a State such as California, when they announced their exchanges, they announced a reduction in premiums that people had to pay under those exchanges. That is what we are looking for: competition, opportunity. People can make their choice if they wish to go into the exchanges. Members of Congress and our staff people do not have that choice. We are in them. That is fine. I think it is going to be good health insurance. I have no question it will be in my State of Illinois.

But to eliminate ObamaCare is to eliminate these health insurance exchanges, which means a lot of people, desperate for health insurance for the first time in their lives, health insurance they can afford, will not be able to do so.

I do not think the bill we passed, ObamaCare, health care reform, is a perfect bill. There is hardly anything we do that is perfect or even close. I think it could be changed for the better. I am open to that. I hope Members on both sides are. But that is not the way it works here. In the House of Representatives, they voted 41 times—41 times—to destroy and eliminate ObamaCare—41 times.

The Republican leader, Mr. CANTOR of Virginia, offered one change in ObamaCare that he thought made it better. His own party turned on him and said: No, we do not want to improve this bill. We want it to go down in flames. We do not want this law to go forward. It is not a positive view.

A positive view is to take this measure, improve it where we can, and work to make it part of America's future,

such as Social Security, such as Medicare, such as Medicaid. These are programs which are critically important to millions of Americans.

I am sorry we are facing this showdown. But I hope what will happen in the Senate is this: I hope the Senate does not go under cruise control following what we have seen from the House Republican caucus, this notion of doomsday scenarios and high noon scenarios and shutting down the government, shutting down the economy. I hope there will be reasonable, conservative Republicans who will stand and say that is unacceptable. We are going to sit down in good faith, bargain with the Democrats in the Senate, to resolve whatever differences we can but not to damage our government or our economy at this important moment in our history. That kind of courage will be rewarded. It may not be popular with some of the talking heads or screaming heads in these shows on television, but the American people are looking for that kind of leadership on both sides of the aisle.

They do not accept the notion that shutting down the government and shutting down the economy is the best way to solve our political problems. The approval rating of Congress now is about 11 percent. I am surprised many days that it is even that high. I did not know we had so many relatives and people on the payroll—11 percent. We can do better if we face our problems and challenges honestly and deal with them in a way that does not hurt innocent people and families across America.

I yield the floor.

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

[From the Wall Street Journal, Sept. 19, 2013]

KARL ROVE: THE GOP'S SELF-DEFEATING 'DEFUNDING' STRATEGY

In 2010, Republicans took the House of Representatives by gaining 63 seats. They also picked up six U.S. senators and 675 state legislators, giving them control of more legislative chambers than any time since 1928. The GOP also won 25 of 40 gubernatorial races in 2009 and 2010.

These epic gains happened primarily because independents voted Republican. In 2010, 56% of independents voted for GOP congressional candidates, up from 43% in 2008 and 39% in 2006.

Today, independents look more like Republicans than Democrats, especially when it comes to health care. In a new Crossroads GPS health-care policy survey conducted in 10 states likely to have competitive Senate races and in House districts that lean Republican or are swing seats, 60% of independents oppose President Obama's Affordable Care Act. If this holds through 2014, then Republicans should receive another big boost in the midterms.

There is, however, one issue on which independents disagree with Republicans: using the threat of a government shutdown to defund ObamaCare. By 58% to 30% in the GPS poll, they oppose defunding ObamaCare if that risks even a temporary shutdown.

This may be because it is (understandably) hard to see the endgame of the defund strategy. House Republicans could pass a bill that funds the government while killing all ObamaCare spending. But the Democratic Senate could just amend the measure to restore funding and send it back to the House. What then? Even the defund strategy's authors say they don't want a government shutdown. But their approach means we'll get one.

After all, avoiding a shutdown would require, first, at least five Senate Democrats voting to defund ObamaCare. But not a single Senate Democrat says he'll do that, and there is no prospect of winning one over.

Second, assuming enough Senate Democrats materialize to defund ObamaCare, the measure faces a presidential veto. Republicans would need 54 House Democrats and 21 Senate Democrats to vote to override the president's veto. No sentient being believes that will happen.

So what would the public reaction be to a shutdown? Some observers point to the 1995 shutdown, saying the GOP didn't suffer much in the 1996 election. They are partially correct: Republicans did pick up two Senate seats in 1996. But the GOP also lost three House seats, seven of the 11 gubernatorial races that year, a net of 53 state legislative seats and the White House.

A shutdown now would have much worse fallout than the one in 1995. Back then, seven of the government's 13 appropriations bills had been signed into law, including the two that funded the military. So most of the government was untouched by the shutdown. Many of the unfunded agencies kept operating at a reduced level for the shutdown's three weeks by using funds from past fiscal years.

But this time, no appropriations bills have been signed into law, so no discretionary spending is in place for any part of the federal government. Washington won't be able to pay military families or any other federal employee. While conscientious FBI and Border Patrol agents, prison guards, air-traffic controllers and other federal employees may keep showing up for work, they won't get paychecks, just IOUs.

The only agencies allowed to operate with unsalaried employees will be those that meet one or more of the following legal tests: They must be responding to ''imminent'' emergencies involving the safety of human life or the protection of property, be funded by mandatory spending (such as Social Security), have funds from prior fiscal years that have already been obligated, or rely on the constitutional power of the president. Figuring out which agencies meet these tests will be tough, but much of the federal government will lack legal authority to function.

But won't voters be swayed by the arguments for defunding? The GPS poll tested the key arguments put forward by advocates of defunding and Mr. Obama's response. Independents went with Mr. Obama's counterpunch 57% to 35%. Voters in Senate battleground states sided with him 59% to 33%. In lean-Republican congressional districts and in swing congressional districts, Mr. Obama won by 56% to 39% and 58% to 33%, respectively. On the other hand, independents support by 51% to 42% delaying ObamaCare's mandate that individuals buy coverage or pay a fine.

The desire to strike at ObamaCare is praiseworthy. But any strategy to repeal, delay or replace the law must have a credible chance of succeeding or affecting broad public opinion positively.

The defunding strategy doesn't. Going down that road would strengthen the president while alienating independents. It is an ill-conceived tactic, and Republicans should reject it.

The PRESIDING OFFICER. The Senator from Georgia.

NATIONAL SUICIDE PREVENTION MONTH

Mr. ISAKSON. Mr. President, September is National Suicide Prevention Month. I think as a member of the Veterans' Committee, as an American, as a Member of the Senate, it is important for us to pause for a minute and recognize some alarming facts about suicide in America among our veterans.

On average, every day, 365 days a year, 22 veterans who have served America take their own life in suicide. That is 8,000 veterans a year, an alarming number that is growing. It is important for us to recognize the need to see to it our veterans have access to those things that can help to prevent suicide and make sure it is minimized and happens as little as possible.

Recent surveys by VSOs—the veterans service organizations—have demonstrated that an alarming number of veterans in America out of our 22 million have actually considered suicide. An even more alarming number actually knows someone who attempted to take their life or, in fact, was successful.

We know there are reasons that reach out and help us, and we know there are reasons that are hurting us. One that is hurting us right now is long lines for veterans in need of mental health. Mental health needs are an emergency. They are time-sensitive. We need to improve our wait times so they are not as long at our VA hospitals.

There is a nationwide shortage, both public and private, of mental health providers. We need to work to improve the number of providers for our entire country. Scarce appointment times for veterans because of their work or family obligations and scarce appointment times because of overworked VA hospitals make it sometimes difficult and protracted for a veteran to receive services.

Most important to me are the gaps in the continuum of service and treatment for a veteran under mental stress and depression. I wish to focus on that for a moment.

Recently I held a VA field hearing in Atlanta, GA, because of the tragedy that took place at the Atlanta VA. We had two suicides of veterans under the care of the hospital and one overdose of drugs while someone was in the hospital and under the care of the hospital.

Those brought about an inspector general's report that made a plethora of recommendations to the Veterans' Administration in Atlanta but also nationwide on things the VA needed to do to address those problems. To the credit of Director Petzel, who is head of all VA medical care, and Eric Shinseki, the Secretary of the Veterans' Administration, the VA has begun taking initiatives to do so. We have to make sure

they accelerate those initiatives and provide the care that is necessary so that wherever possible we eliminate the wait times and the lack of continuum of care.

In a recent survey by the inspector general, they found that 20 percent of veterans—one in five—who were referred to a private mental health provider never received an appointment. That is one in every five veterans who have come in and admitted they have a problem. They may be at risk for taking their own life. They may be depressed. That is unsatisfactory.

One of the focuses we made in our hearing was bringing about better coordination by the VA in terms of accessing community resources in mental health to see to it that we raised the number of providers offering mental health services to our veterans. As I said earlier in my remarks, suicide is preventable. It is not preventable, however, if there is no access to therapy, no access to consultation, and no access for our veterans when they need it the most.

Let me brag a little bit about the VA and some of what they have done in recent years that was helped and give you some amazing statistics.

In 2007 the Veterans Crisis Line was conceived where veterans in trouble could call in and receive counseling. More than 814,000 calls have been received by the Veterans Crisis Line since it opened, and 28,000 interventions have saved the lives of veterans. There are 28,000 veterans who are alive today because of the crisis line.

In 2009 the VA added an anonymous online chat service where a veteran could have a nonthreatening way of communicating and seeking therapy anonymously. There have been 94,000 calls since its inception.

Most impressive to me is that in 2011 the Veterans Crisis Line added texting as a way to expand its accessibility to veterans.

If you are a veteran in crisis, we need to make sure, as Senators and members of the Veterans' Committee, that you have the access you need to therapy and counseling when you need it. We all know that the tragedy of suicide is terrible for a family and a horrible loss of a life that was sacrificed on behalf of the United States of America. We owe it to ourselves to see that the Veterans' Administration continues to improve access to mental health services, continues to reduce their wait times and long lines, and continues to cooperate and reach out to the community to bring in private providers on a referral basis so that veterans in need of care receive a referral and an appointment quickly.

My last point is that it is important that the VA follow that veteran to see to it they keep that appointment. In the cases of the suicides in the Atlanta VA, the failure to keep an appointment or the failure to have a continuum of care in the following of that veteran substantially created and contributed to the loss of life.

While we have had tragedies at the Atlanta VA, things are improving. While we have had tragedies and suicides across the country, we are finally focusing on veteran suicide.

Lastly, we need to focus on the fact that there are many contributing factors to suicide. Many people will think it is someone returning from Operation Iraqi Freedom or Operation Enduring Freedom. In some cases, that is true, but more often than not veterans over 50 are the victims of suicide. In fact, of the ones in Atlanta, they were Vietnam-era veterans.

It is important we understand that it is every veteran who is at risk, that it is every veteran who needs access to treatment. We need to understand that we owe our veterans a big debt. It is most important to see to it that they don't lose their lives out of despair and depression, that their lives are saved because our VA cares enough to see to it that they have the continuum of care and the access to help they so vitally need.

To the VA Administration, thanks for the improvements you are making. To every Member of the Senate, let's continue to support the Veterans' Administration with the funding necessary to deal with the more than 1 million new veterans returning home from the wars in the Middle East over the last decade.

I yield back the remainder of my time, and I suggest the absence of a quorum.

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

Mr. CORNYN. 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.

FISCAL DISCIPLINE

Mr. CORNYN. Mr. President, earlier this week the Congressional Budget Office released its latest long-term outlook. Of course, the CBO, as it is known around here, is the authoritative guide to all things involving the finances and the fiscal picture for the Federal Government. That long-term outlook offered us a sobering reminder the Federal Government cannot defy the laws of fiscal gravity forever. In other words, as every American knows—every working family knows—your output can't exceed your input forever. In other words, you can't spend more money than you have coming in. Unless you are the Federal Government, of course. But sooner or later we will have to reverse the trend of debt accumulation before it destroys our economy, because our current path is simply unsustainable.

The crazy thing about it is that everybody in Washington, particularly the Congress, knows that. Yet it seems as though they are in a state of denial about what could very well happen to our country and to our future if we don't act. As I said, it is a very sobering message, and it is also very different from the message President Obama has been delivering lately. He likes to talk about America's short-term budget deficit falling. To remind everybody, there is the debt and there is the deficit. The deficit we measure on an annual basis. Debt is the cumulative shortfall between what comes in the front door and what goes out the back door. That debt is now about $17 trillion.

For these young people down here, that means they each owe about $52,000 because my generation and other adults have not been responsible, and we have shoved off onto the next generation the responsibilities we ought to be meeting ourselves. So here is the reality. Any short-term deficit reduction will be meaningless unless we adopt longer term reforms. That means where the Federal Government spends most of its money, which is in mandatory spending—the spending that keeps Social Security and Medicare, among other programs, going. We need to also bend the spending curve down so that we are spending less money as well.

The Congressional Budget Office estimates, when we factor in the likely impact of rising debt levels, the publicly held debt is on course to reach 108 percent of our gross domestic product in 2038. The gross domestic product is basically another way of saying the size of our entire economy. So 108 percent of the size of our entire economy is their projection, and that is before we include money the Federal Government effectively owes itself.

I realize 2038 sounds like a long time from now. I remember as a kid I thought the year 2000 was going to be a long way away, but we now see that only in our rearview mirror. But by 2038, under current law, our net interest payments, as a share of our economy, will be 2½ times greater than the 40-year average.

Let me boil that down a little bit. When we borrow money—because we are spending money we don't actually have—that adds to our annual deficit. But it also, over time, adds to our national debt. We have to get somebody to buy that debt so we can continue to spend money we don't have, so that we can continue to spend borrowed money. We have to pay interest to our creditors. In other words, they are going to expect a rate of return, as anybody would, when they loan somebody money. When China loans us money, it is not cost free. When they buy a huge portion of our national debt, it is not cost free.

Over time we will see interest rates—which are really at historic lows now because of the aggressive action of the Federal Reserve keeping those interest rates low—go back up to historic norms, and then we are going to see that a larger and larger share of what the Federal Government spends is merely to pay China and our other creditors who buy our debt, unless we

take aggressive measures to begin to bring our debt load down.

The President and the Democrats frequently demand more spending on things such as research and development—that is a good thing—or infrastructure—that is a good thing—yet they refuse to embrace the serious reforms necessary that enable us to do so. Here again, when the interest payments on the debt invariably go up, they will crowd out spending on other priorities, such as research and development, such as infrastructure, such as education, and others that should be among our national priorities.

The Congressional Budget Office projects that by 2038 total spending on everything other than major health care programs, Social Security, and net interest payments would decline to 7 percent of gross domestic product, and that is down from 11 percent, which is the average over the last 40 years. That is the crowding-out effect I was mentioning a moment ago. When we spend more and more money on these other programs, it crowds out spending on other things necessary to keep our economy growing and to keep people employed.

If we don't start reforming our biggest mandatory spending programs—again, that is Social Security and Medicare—in a responsible way, it will become much harder for the Federal Government to perform its most basic obligations and it will leave these young people and others—such as my daughters, who are in their early thirties—holding the bag, not only with the debt I mentioned a moment ago, but also with broken programs that are unsustainable, that will not be there for them when they turn 65 or when they get older.

It is a law of nature that you cannot keep spending money you don't have, and you can't keep racking up debt forever without any consequences. The only question is whether the reforms I am talking about will be gradual—will be phased in over time—or whether they will be sudden and abrupt and disruptive. If we start now in a responsible way, these reforms can be gradual.

Thank goodness, when Social Security was passed people didn't live to be 80 years old, on average, and they weren't as productive as they are today. That is a good thing. Modern medicine and nutrition have made it possible for us to live longer, on average, and to be much more productive. But we need to make sure we take into account, through Medicare and Social Security, the fact that people are living longer and are more productive. We need to make certain our programs are modernized to keep up with those facts and make sure they are available in the future, particularly among our most vulnerable citizens. If we wait until America is on the verge of a debt crisis, the reforms will have to be abrupt. In other words, when the bottom drops out, a lot of people are going to be hurt, and it will be far more difficult to protect the most vulnerable among us from the harshest sort of cuts.

What I am suggesting makes sense. Wouldn't we prefer to be in control of a gradual reform of our mandatory spending programs that are phased in over years, in ways most Americans will not actually feel because it can be done gradually? To me, it makes sense to do that as opposed to watching the bottom drop out or just simply kicking the can down the road. You know, they say: If you kick the can down the road long enough, pretty soon you are going to run out of road.

Let me again quote from the Congressional Budget Office. They said:

> At some point, investors will begin to doubt the government's willingness or ability to pay U.S. debt obligations, making it more difficult or more expensive for the government to borrow money. Moreover, even before that point is reached, the high and rising amount of debt that CBO projects under the extended baseline would have significant negative consequences for both the economy and the Federal budget.

Mr. President, I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Those negative consequences would include less private investment; more Federal spending on interest, which I have talked about briefly; less flexibility to address unexpected events, which you know always seems to occur—such as 9/11 or a natural disaster—and more risk of a full-blown debt crisis.

To the extent President Obama and our friends across the aisle acknowledge our long-term debt problem, their main solution seems to be always the same: Let's raise taxes some more. In fact, they are now trying to use tax reform, which we thought should be revenue neutral, as a vehicle for another $1 trillion tax increase. We are told that is a condition of even talking about reforming our Tax Code, to make it flatter, simpler, and more growth oriented. That is after the President and his allies have already raised taxes by $1.7 trillion. So there is never enough to feed the beast of the Federal Government here in Washington. It is insatiable.

Meanwhile, to the extent the President acknowledges the need for Medicare reform, his proposals always involve more price controls, primarily on the providers. Yet price controls have not solved Medicare's fundamental cost problems, and they won't solve it in the future. They say: We can save money on Medicare. We will just whack the payments we make to doctors and hospitals. I can tell you from talking to the hospitals and doctors in Texas—who would like to see Medicare patients but they can no longer afford to do so—that it is limiting access to health care by just dealing with Medicare on this basis of price controls and whacking payments to providers.

Amid the weakest economic recovery and the longest periods of high unemployment since the Great Depression, the last thing we need is another massive tax increase that would discourage work, savings, and investment. We all know we cannot simply tax our way back into fiscal stability, and we cannot spend our way back into economic prosperity. If the President would merely accept those two realities, we might finally get the kind of long-term reforms and the real long-term spending cuts that might finally produce the economic recovery America is desperately waiting for and desperately needs.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

ENERGY EFFICIENCY

Mr. TOOMEY. Mr. President, I rise this morning to address the energy efficiency bill we have been attempting to take up in this Chamber, and in particular an amendment I would like to offer to this bill.

I want to strongly urge my colleagues to please get on this bill. I really wish we would do some business here in the Senate. I think we are on our way to our second consecutive week where we have not had a single vote on a single legislative matter—at least not that I can remember—and we have important legislative issues to deal with. I happen to think this is one of them. There are many others. This is just not acceptable, that we go on and on without addressing the challenges we need to address for the sake of the people we represent—the American people.

I want to talk about one small particular but important aspect. I have an amendment I have filed—and I thank my cosponsors, Senators COBURN, FLAKE, RISCH, and AYOTTE for joining me in this effort—which is an effort to repeal the renewable fuel standard. I want to talk about why it is so important we do this.

First of all, the renewable fuel standard is an old law that is on the books. It is a Federal Government mandate that we burn a certain amount, a certain volume of ethanol in our gasoline.

We have gotten to the point where this year this mandate will require that over 40 percent of all the corn we grow in America be turned into ethanol and burned in the gasoline tanks of our automobiles. We are literally burning our food. That is what we are doing on a very large scale.

The way this law works is it requires increases every year in the amount of ethanol we are forced to burn through our gasoline tanks. This policy is harmful to our environment, it is unambiguously raising food prices, it makes it more expensive to fill up at the gas pump, and it is threatening good-paying jobs in Pennsylvania and other States. It is time for this to go.

What my amendment would do is completely repeal this renewable fuel standard, which is overdue. I know

there is broad support for peeling this back, and I hope there is a majority in this body who would support this amendment if we could only get onto it. So I do very much hope we will.

Let me explain how problematic this is. First of all, let's remember the history. The whole idea behind creating this renewable fuel standard—behind forcing people to take corn, convert it to ethanol, and burn it in their car engine—was that this was somehow going to be good for the environment. That was the idea at the time it passed. In fact, it is clear that this is bad for the environment. This is counterproductive from purely an environmental point of view.

The Environmental Working Group put out this statement:

The rapid expansion of corn ethanol production has increased greenhouse gas emissions, worsened air and water pollution, and driven up the price of food and feed.

This is the Environmental Working Group that came to that conclusion.

It is widely acknowledged that using corn ethanol instead of gasoline actually creates more carbon dioxide emissions—the greenhouse gas emissions about which many people are concerned. You have more of that when you burn ethanol than when you burn gasoline. In fact, the Clean Air Task Force estimates that carbon emissions from corn ethanol between 2015 and 2044, on the path we are on now, would exceed 1.4 billion tons. That is 300 million tons more than if the energy were supplied by gasoline instead. So it is counterproductive from a carbon emission point of view.

We have a chart here that quotes a conclusion from a study at Stanford University that indicates the harm that ethanol does directly to human health.

Vehicles running on ethanol will generate higher concentrations of ozone than those using gasoline, especially in the winter . . .

Finally, in 2011 the National Academy of Sciences stated:

Projected air quality effects from ethanol fuel would be more damaging to human health than those from gasoline use.

I understand there was a time when we didn't know this, when we had a different impression about the health and the air quality implications of using ethanol, but we don't have that excuse anymore. It is now clear that using ethanol instead of gasoline is net harmful to the environment and harmful to human health. That all by itself is a pretty good reason to reconsider this, but there are more reasons.

One is the fact that it is more expensive to produce ethanol than it is to produce gasoline. So not only is this harmful to our health, but it costs more to do it. The Wall Street Journal estimated that in 2014 the renewable fuel standard will increase the per-gallon cost of gasoline by anywhere from 10 to 25 cents. That adds up. That could be over $300 a year on average for the average family. It is billions of dollars across our economy. That is a deadweight loss. No good comes out of that extra cost. It just reduces the standard of living of everybody who is forced to bear that cost.

In addition to increasing fuel prices, it increases food prices—which stands to reason. If you take 40 percent of all the corn produced in America and you burn it, there is that much less corn available for food. And corn is an incredibly basic and important source of food both directly and indirectly. This phenomenon alone—the diversion of corn for ethanol production—is deemed by many scholars who have looked at this as costing maybe as much as a full percentage point a year for the average family. That is on the order of over $150 per year that we force people to pay in the form of higher food prices alone.

Another example is the indirect way in which higher corn prices filter into the rest of the economy. The fact is that feed grain is typically half the cost of raising livestock, and corn is the dominant feed grain in America. The USDA's Chief Economist stated that the renewable fuel standard increases corn prices between 30 and 40 percent. And it got so bad, it got so absurd that in 2012 there were farmers feeding their cattle candy because it was cheaper to buy candy than to buy corn. How absurd is it that the Federal Government policy is driving this kind of behavior? It makes no sense at all.

Another fact about ethanol is that it is harmful to motors. It is harmful to engines. The reciprocating piston engines we use in our vehicles—motorcycles, boat engines, and others—are designed to burn gasoline, they are not designed to burn ethanol. And the EPA has acknowledged that ethanol is harmful to these engines because ethanol is corrosive. The EPA acknowledged that ''unlike other fuel components, ethanol is corrosive.'' It is that water mixture that does damage to engines. AAA has warned that raising the ethanol content in fuel further—which is what current law has in store for us—will damage 95 percent of the cars on the road today.

The last thing I would point out is that this policy threatens good-paying jobs. I visited a refinery in southeastern Pennsylvania, a refinery that employs hundreds of workers in good-paying jobs providing the gasoline we need to move our economy, to move our families, to get to and from work, and to do all the things we need to do in life. Their ability to be a viable, ongoing refinery is jeopardized, it is threatened by the renewable fuel standard.

I wish to read a letter from the AFL–CIO business manager, a gentleman named Pat Gillespie whose concern is the job security of the workers he represents. And this is a refinery that was shuttered and in danger of never reopening. It took an amazing effort by the stakeholders in this community to make this viable, and it is viable right now and it is employing hundreds of workers in Delaware County. The point that he makes is this:

Our resurrected refinery in Trainer, Pennsylvania once again needs your intercession. The impact of the dramatic spike in the cost of the RIN credits from four cents to one dollar per gallon will cause a tremendous depression in our refinery's bottom line in 2013. Of course in the building trades we need them to have economic vitality to bring about the construction and maintenance projects that our members depend on, and the steel workers of course need the economic vitality so they can maintain and expand their jobs with the refinery. We need your assistance, your help with this matter.

I want to provide the help that they need, that Pennsylvanians need, that we all need from this ill-conceived policy that clearly has no place in the United States anymore. The help is in the form of this amendment. This amendment solves the problem. It repeals this ill-conceived standard completely. It would go away. I know there is bipartisan support for this amendment. I have several colleagues who cosponsored this amendment. This is our opportunity to pass this amendment.

To recap, this is bad policy on every possible front. The renewable fuel standard—forcing us to burn so much of our corn in the form of ethanol—is harmful to our environment. It is harmful to human health. It increases food prices. It increases fuel prices at the pump. It damages the engines on which we rely. It jeopardizes jobs. What more arguments do we need to bring an end to this misguided program? We know this. We have known this for some time. Now is the time to act.

So I urge my colleagues, let's get on the bill. Let's have amendments. Let's have lots of amendments. If we had spent the last week mowing down amendments instead of arguing about them, we would be done by now. We could have processed many dozens of amendments easily, and one of them could have been this one.

I don't think it is too late. We could still get on this bill. We could still do something that would be very sensible for our environment, for our economy, for consumers, for our health, and for the sake of our jobs. Let's repeal the renewable fuel standard. Let's do it by adopting my amendment, and let's do that by getting on this bill.

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

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

The legislative clerk proceeded to call the roll.

Mr. WYDEN. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2013

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1392, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1392) to promote energy savings in residential buildings and industry, and for other purposes.

Pending:

Wyden (for Merkley) amendment No. 1858, to provide for a study and report on standby usage power standards implemented by States and other industrialized nations.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise again to talk about the urgent need, as October 1 approaches, to vote on a ''no Washington exemption from ObamaCare'' amendment or bill. Again, this need isn't of my creating. I wish it weren't here, but it is because of an illegal rule issued by the Obama administration to completely reverse the clear language on the subject in ObamaCare.

I will back up and give a brief history.

During the ObamaCare debate, a proposal was made by many of us, led by Senator CHUCK GRASSLEY of Iowa. The proposal was simple: Every Member of Congress and all congressional staff should live under the most onerous provisions of ObamaCare. Specifically, we should have to get our health care from the exchanges where millions of Americans are going against their will, having lost in many cases the previous health care coverage from employers that they enjoyed.

So Senator GRASSLEY said that is what Washington should have to live with, and there was explicit, specific language put in ObamaCare to that point for Congress—that every Member of Congress and all congressional staff have to go to the exchange. The intent behind this was crystal clear. As the Senator said, ''The more that Congress experiences the laws that pass, the better.'' I agree with that. I agreed with it then, and I agree with it now.

Amazingly, that provision got in the final version of ObamaCare. Then I guess it was a classic example, if you will, of what NANCY PELOSI said: ''We have to pass the law to figure out what is in it.''

It did pass. Folks around Capitol Hill did figure out what is in it with regard to that section and they said: Oh, you know what. We have to go to the exchanges. We don't like that. That is going to create out-of-pocket expense. We don't like that.

Immediately, furious lobbying started, continued for some time, and sure enough, as a result President Obama personally intervened. He was personally involved, and his administration issued a rule on the subject right as Congress safely had left town for the August recess. That rule said two things, basically. No. 1, it said this official congressional staff—we don't know who that is, so every Member of Congress will get to decide what staff, if any, under their employment, will have to go to the exchange.

That is ridiculous. I think that is ludicrous on its face. That is not what the statute says at all. It says ''all official congressional staff'' and every Member of Congress should not be able to decide differently, Member by Member, whether anyone at all on their staff has to go to the exchange.

But the second part of this illegal rule is even more interesting. It said whoever does go to the exchange, in terms of Members and staff, gets to take their very generous taxpayer-funded subsidy from the Federal employee health benefits plan with them.

The ObamaCare statute doesn't say that at all and, in fact, a different part of the ObamaCare statute says exactly the opposite. It is about employees in general who go to the exchange. It says when an employee goes to the exchange he or she loses any previous employer-provided subsidy. That is section 1512. That is explicit in the ObamaCare statute.

This special rule for Washington is illegal, flatout illegal and contrary to the statute in my opinion. But it goes into effect October 1 and that is why my colleagues and I who support the ''no Washington exemption'' language had to take action, had to fight for a vote now. We need this debate and vote now, before October 1. That is what it is all about.

As I said, my distinguished colleague from Iowa who authored this language could not have been more clear: ''The more that Congress experiences the laws it passes, the better.''

Also, employment lawyers who have looked at the statute agree with me that there is no big subsidy we should be able to take with us to the exchange. For instance, David Ermer, a lawyer who has represented insurers in the Federal employee program for 30 years, said, ''I do not think Members of Congress and their staff can get funds for coverage in the exchanges under the existing law.'' That was in the New York Times.

Many other employment lawyers have said the same because it is crystal clear from the statute. As National Review Online reported:

Most employment lawyers interpreted that to mean that the taxpayer-funded Federal health insurance subsidies dispensed to those on Congress's payroll—which now range from $5,000 to $11,000 a year—would have to end.

Yes. That is the clear language and the clear legislative history of the statute. Yet we have all this hocus-pocus to do exactly the opposite, contrary to the law. As the Heritage Foundation said:

Obama's action to benefit the political class is the latest example of this administration doing whatever it wants, regardless of whether it has the authority to do so.

The Office of Personnel Management overstepped its authority when it carried out the President's request to exempt Congress from the requirements of the health care law. Changing law is the responsibility of the legislative branch, not the executive branch.

Also, the Heritage Foundation said:

Washington's political class and allied big special interest lobbyists are responsible. And until this bad law is fully repealed, the President's team and Congress should submit fully to its multiple and costly requirements, just like everyone else.

The National Review Online has echoed the same, and they are right:

Under behind-the-scenes pressure from members of Congress in both parties, President Obama used the quiet of the August recess to personally order the Office of Personnel Management, which supervises federal employment issues, to interpret the law so as to retain the generous congressional benefits.

The Wall Street Journal opined:

. . . If Republicans want to show that they ''stand for something,'' this is it. If they really are willing to do ''whatever it takes'' to oppose this law, there would be no more meaningful way to prove it.

This is why we are here at this moment and this is why it is so important and necessary to have this debate and this vote now. I am very happy that at least some of my colleagues have properly recognized that, and that includes the distinguished majority floor manager of this bill, and have agreed in principle to this vote. The distinguished majority leader Senator REID has agreed in principle to this vote. But it is interesting that at least in his case, although we have some agreement in principle, we have no vote and, frankly, I am not surprised. The proof of the pudding is in the eating. If you agree to a vote, then you have to have a vote. We need to have a vote. We need to have a vote by October 1 and I am going to keep fighting for a vote. That is basic fairness, to deal with this illegal rule. Again, the timing is here and now and that is not of my doing. I did not favor the illegal rule that makes the issue come before us. I did not favor the October 1 deadline. That should never have happened at all. But it is before us and that deadline is before us because of the illegal rule from the Obama administration. That is why we need a vote. We need a vote before October 1.

As I said, the distinguished majority leader says he will permit a vote. He says that in theory but it does not happen in practice. Again we wait and wait and wait and demand a vote. It does not have to be on this bill. I will continue to come back. I will file this amendment with regard to the CR. That is a perfect place to have this debate and vote or we can do it as a stand-alone bill. We can do that easily next week, before October 1. We can do it without disrupting any other floor

business, without delaying any other action with regard to the CR or anything else.

In that spirit, let me ask a unanimous consent in that regard. I ask unanimous consent that on Wednesday, September 25, 2013, at 10 a.m., the Senate discharge the Senate Committee on Finance from consideration of my bill, the No Exemption For Washington from ObamaCare Act, proceed immediately to consideration of that bill, S. 1497; that without any intervening motions or debate, the Senate proceed with 60 minutes of debate on the bill evenly divided and controlled by the majority leader and myself; that the bill not be subject to any amendments, points of order or motions to commit; and that after debate has expired the bill be engrossed for a third reading, read a third time, and the Senate immediately vote on passage, subject to a 60-affirmative-vote threshold; and that the motion to reconsider be made and laid upon the table following that vote.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WYDEN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. VITTER. I understand the floor leader is doing that for the majority leader and I think that is very unfortunate. If the distinguished majority leader agrees to a vote in principle, we need a vote in reality. I said at the time when he agreed to it in principle that is interesting but I did not think it would happen in reality, and sure enough, this week that is correct, it has not happened.

I think the majority leader, frankly, is very concerned about this vote. That is why he and others actually relied on threats and intimidation to try to avoid this vote. That did not work. It is not going to work. I am coming back with this amendment. I am coming back with this bill. He has agreed to a vote in principle, so let's have a vote. Clearly, not from my doing, but because of the illegal Obama administration rule, that vote is timely now. That vote has to reasonably happen before October 1, which is why I proposed that unanimous consent. That is a way to have the vote which the majority leader agreed to in principle without disrupting any other business on the Senate floor. It would literally take 60 minutes of debate and a 15-minute vote.

I am sorry that was not accepted by the majority leader, but needless to say I will be back with my bill, with my amendment. The American people deserve a vote because, however it comes out, the American people should be able to know what Senators will stand through that vote with Washington and what Senators will stand with America.

I yield the floor.

Mr. WYDEN. Mr. President, before he leaves the floor let me say to the Senator from Louisiana, I want to talk a little bit about exactly this question of reality and how we can address the Senate's business and address the issue of the Senator from Louisiana as well—not in principle but with an actual vote, because the reality is there could have been already a vote on the amendment offered by the Senator from Louisiana. I will describe exactly why that has not taken place, but it could have and in my view should have already taken place. It should not have been about principles, it should have been about the reality of the vote the Senator from Louisiana is talking about.

Here we are. Of course it is hard for the public to figure out exactly how the Senate works. The new Senator from Hawaii is a student of this. We have a bipartisan energy efficiency bill on the floor of the Senate now.

As far as I am concerned, I describe it this way. This is a platonic ideal of what bipartisan consensus legislation ought to be all about. It is an extraordinary coalition built in favor of this—the Business Roundtable, the National Association of Manufacturers, the Chamber of Commerce—with some of the country's leading business organizations that favor energy efficiency, and they are doing it for a reason. This is going to increase American productivity. We are going to save money because we are not going to waste so much energy and this is going to create good-paying jobs in a variety of new fields and technologies that are going to be good for people in our country.

My view is we should have already finished this debate with relevant amendments—relevant amendments offered by both sides. In fact, when we started the debate, for the first 4 or 5 hours there was a good bipartisan amendment offered almost hourly. We have them all stacked up like planes hovering over an airport.

At that point conservatives indicated there were two areas they felt strongly about getting a vote on. Again, I am not talking about principles here. We are talking about the reality of a vote, a vote that could have already taken place. One of them was on the amendment offered by the Senator from Louisiana. I happen to disagree with the amendment strongly, but in all of the discussions I said it seems appropriate that there be a vote on that amendment and on another amendment which I disagree with, involving the Keystone Pipeline. At that point a very clear statement was made by the leadership that if we are talking about the energy efficiency bill and these two votes—not principles, but realities of having those two votes, a vote on the Vitter amendment and a vote on the Keystone Pipeline—and then have relevant amendments that relate to energy efficiency, we would be able to complete this bill. Since we started it last week, I am of the view that we would already have been done by now.

After that message was communicated by the leadership on this side of the aisle, we saw the response to that. It was in response to a vote on the amendment offered by the Senator from Louisiana, a vote on the proposal offered by Senator HOEVEN from North Dakota, and a procedural agreement to vote on other relevant amendments. We had scores and scores of other amendments offered to this bill that were clearly not related to energy efficiency. So I say to the Senator from Louisiana: That is the reality—not the rhetoric from the Senator or principles—of why there has not been a recorded up-or-down vote.

By the way, this is a vote that would have met the Senator's principles, that he wanted the vote before October 1. We would have already had that up-or-down vote on the amendment offered by the Senator from Louisiana. It would have been done in accordance with the wishes of the Senator from Louisiana before October 1. The sole hurdle in terms of securing that has been the scores of amendments that have been offered primarily—really exclusively—from colleagues on the other side of the aisle who want to deal with other energy issues.

I want to make one other comment with respect to this. Senator MURKOWSKI and I—because we have worked in a bipartisan way since we were given the opportunity to lead the Energy and Natural Resources Committee at the beginning of this year, and we are honored to have the Senator from Hawaii on the committee—have said our sole focus is to try to find common ground on a host of energy issues that have been backed up, many of which colleagues on the other side of the aisle feel very strongly about.

I would highlight, for example, nuclear waste legislation, where there has been no progress for years and years. Senator MURKOWSKI and I, with Senator FEINSTEIN and Senator ALEXANDER, have a bipartisan bill we think would allow us to finally get on top of a critical issue. I feel very strongly—and I know the Senator from Louisiana cares a great deal about this—that we need to look at ways to cap the potential of natural gas, which is 50 percent cleaner than the other fossil fuels. I have been working with industry and environmental leaders on what I call a win-win solution where we could build more pipelines—the Senator from Louisiana knows it is important for the infrastructure of the natural gas business—and in the future we are going to make them better pipelines. We would have pipelines that don't leak so much methane, which would be good for consumers, good for the planet, and it would be good for the industry.

We are interested in dealing with nuclear waste issues, natural gas issues, and offshore energy issues which, again, are important to the Senator from Louisiana. It is pretty hard to get Senators to focus on those kinds of issues if we cannot move a piece of legislation such as this energy efficiency bill which has an unprecedented coalition behind it. It has so many obvious benefits, without the mandates and

without a one-size-fits-all strategy from Washington.

I wanted to set the record straight in particular on that point.

The Senator from Louisiana and I are going to continue our discussions, as we have been doing, but I especially want to emphasize—since my colleague from Louisiana has been talking about whether people say you can vote in principle but you don't vote in reality—that the reality is: We could have already had a vote on the amendment offered by the Senator from Louisiana before the October 1 date, that he said he felt strongly about, if colleagues on his side had not insisted on all of these other amendments not related to energy efficiency.

By the way, I made it clear to them—coming from a State that doesn't produce fossil fuels—that I was willing to work with them, particularly in areas I have just described, such as tapping into the potential of natural gas.

So the reality is there could have already been a recorded up-or-down vote on the amendment offered by the Senator from Louisiana before October 1, and I hope he and others will continue to work with the bipartisan leadership so we can quickly get a finite list of additional relevant amendments that would be offered after the Senator from Louisiana gets his vote and after there is a vote on the amendment offered by the Senator from North Dakota. Those are the realities of what has happened over the last week.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I appreciate the comments of the distinguished majority floor leader, and I accept them. I know they are sincere in terms of his actions and in terms of his involvement.

My point, of course, was not about him. My point is I don't think it was an accident that we never got to yes in practice. I don't think that was an accident at all. I don't think it was an accident from the point of view of the majority leader. I don't think it was an accident from others' point of view.

If we want a clear glimpse into their true approach, we have to look at the amendments they floated last week, which were literally about threats, intimidation, and bribery. So that is a pretty clear window on where they are coming from. It is certainly not where the distinguished floor leader is coming from.

Let me close by saying there is one more point of reality I would underscore, and that is this: In the Senate there is one Member who can virtually guarantee that a vote happens, and that is the majority leader. He has promised an up-or-down vote on this before October 1 in theory. He has the power to clearly make that happen one way or the other in practice, so we will see if he does. It is as simple as that.

I thank the Presiding Officer, and I yield the floor.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I come to the Senate floor to mark the fifth anniversary—the fifth birthday, if you will—the fifth anniversary of the application of the Keystone XL Pipeline. TransCanada applied for approval of the Keystone XL Pipeline in September of 2008, and here we are, 5 years later to the date, without a decision.

Normally, when we celebrate an anniversary or birthday, if you will, it is a good thing. It is positive. Obviously, in this case, that is not the case. Five years have gone by with no decision from this administration on the Keystone XL Pipeline. It is mind-boggling.

How can we be following the laws, the rules, and regulations of this country when a company applies for approval of something and there is a decision the administration has to make—is it in the national interest or is it not? That is the decision before the administration. We have to make a decision. We elect Presidents to make decisions. So here we are 5 years later with no decision, not a yes, not a no—five years of study of the project and still no decision.

This project will help generate more energy for our country, more jobs, economic growth, and tax revenue without raising taxes. It is a project that will help us become energy secure, energy independent, with Canada. Working with Canada, our closest friend and ally, will enhance national security so we don't have to get oil from the Middle East, something Americans very much want.

As a matter of fact, there was a recent poll put out by Harris done this summer. In that poll—and I have it right here—in a Harris poll released this summer, 82 percent of voting Americans voiced support for the Keystone XL project—82 percent. Think about that: 82 percent of Americans want the project approved, but for 5 years the administration hasn't been able to make a decision, and they are still not making a decision. The indication now is this could go into next year. So now we are working on year 6.

Think about our economy. Our economy is stagnant. Businesses aren't investing in new capital and equipment and creating jobs. One of the reasons is because of burdensome regulation. This is a clear example: 5 years with no decision.

This poll I referred to, some of the other results of it: 82 percent of voting Americans support the Keystone XL Pipeline project. That is not an old poll; that was done this summer. Some of the other information from that poll: 85 percent of people agree Keystone XL would help strengthen America's economic security—85 percent. Eighty-one percent of people agree Keystone XL would strengthen America's energy security.

Seventy-seven percent of the American people—voting Americans—agree that Keystone XL will help strengthen America's national security—as I just mentioned, not getting oil from the Middle East. That is a no-brainer. Seventy-five percent agree that Keystone XL would benefit the U.S. military by increasing access to oil from Canada, our closest friend and ally.

One of the issues this has brought up is concern about the environmental impact. Let's look at the facts: In the 5 years since TransCanada applied for approval—in that 5-year span—the State Department has done multiple environmental impact statements, I think on the order of four draft or supplemental environmental impact statements. The finding on the environment has been: ''No significant environmental impact.'' That is the Obama administration's own State Department: ''No significant environmental impact'' after 5 years of study. How many more years of study do we need? How is our economy going to work when businesses that want to invest billions in building vital infrastructure for our economy and create jobs have to wait 5 years before they get a go-ahead? And we are wondering why we have a sluggish economy. We are wondering why we are still importing oil from the Middle East.

This isn't just about working with Canada to produce energy for this country. My home State will put 100,000 barrels of oil a day into this pipeline—the lightest, sweetest crude produced anywhere in the country—and take it to our refineries in this country to be used by American consumers and businesses.

Another criticism the opponents will sometimes bring up is that the oil is going to be exported.

They say: Oh, no, the oil is going to be exported; we shouldn't approve the Keystone XL Pipeline; we shouldn't work with Canada; we shouldn't move our own long-term refineries because it is going to be exported.

Again, let's take a look at the facts. In June 2011, the Obama administration's Department of Energy put out a study which said specifically that the oil will be used in the United States. The oil will be used in the United States and it will help reduce gasoline prices for Americans.

That wasn't some proponent who put that out; that was the Obama administration's own Department of Energy after doing their study.

Again, let's take a look at the facts. In my State, this kind of pipeline, as I said, will move 100,000 barrels a day on this pipeline which we are now moving by truck and by train. This pipeline will help take 500 trucks a day off our

highways, saving incredible wear and tear but also providing greater safety because we will not have all of those trucks transporting this oil and gas.

Another argument is, if we don't build the Keystone XL Pipeline, then the oil in the oil sands in Canada will not be produced. Those who are against using fossil fuels—folks who just say, no, we are not going to use fossil fuels anymore, we don't want to use them—they say we don't want to use the pipeline because then the oil sands in Canada will not be produced. Again, look at the facts. The facts are very straightforward. The oil is already being produced and it is moving by truck and train, not by pipeline. If we don't utilize it in the United States, then instead of coming to the United States, it will go to China, where now we are moving it by tanker across the ocean, and it is going to refineries that have much higher emissions. So we have worse environmental standards, and instead of us working with Canada to get our oil rather than getting it from the Middle East, which we are doing now, all of that oil goes to China.

Think about it. Is this what Americans want? Go out and ask them. That is why I cited the poll just a minute ago, saying 80 percent-plus support this project. I think some of them who don't, aren't aware of the project. But if we ask any American, they are going to say they don't want to rely on the Middle East for oil. They would much rather work with Canada. They would much rather produce it here, such as in my home State, and work with Canada so we are energy independent, we are energy secure, we don't have to rely on the Middle East. Let China and the other countries work with the Middle East to get their oil. Ask any American what they think about that proposition and we know what answer we will get. But the President, for whatever reason—here we are 5 years later and he is still not making a decision.

Today is the fifth anniversary. We are starting on year 6, and the question is, How much longer does this go on?

I have spoken about this in terms of energy and energy security for this country: low-cost, dependable energy, so when American families and businesses need energy to fuel their vehicles, they know it is reliable, dependable, it is produced in this country and in a country such as Canada, our closest ally, not in the Middle East, and that we are not going to have to send our men and women in uniform into a very difficult situation. We will not have to send them, at a minimum, into the middle of a situation where—look at what is going on in Syria. Look at the volatility. We want to depend on that area for our oil? Of course not.

It is about energy. It is about energy security. It is a national security interest. It is about jobs.

There have been many studies on the number of jobs; the proponents argue for one and the opponents argue for another. But let's go back to the State Department's own numbers after 5 years of study. They say more than 42,000 jobs will be created by the project. Don't take a study from the opponents of the project. Don't take a study from the proponents of the project. Take the State Department's own study: more than 42,000 jobs, at a time when our economy badly needs quality construction jobs, and it doesn't cost one penny of taxpayer money. As a matter of fact, the project produces hundreds of millions to help reduce debt and deficit without higher taxes.

For all of these reasons, this project should be approved. For all of these reasons, this project is very much in the national interest.

I have worked in this body, and I have worked with our friends and colleagues in the House, to see if we can't approve this congressionally. This is a Presidential decision. The decision before the administration is to decide is this project in the national interest or is it not in the national interest. The American people have already decided. In poll after poll, 70, 80 percent of the American people have decided—it doesn't take them 5 years—but the administration can't decide. So Congress should. Congress should step up and decide. I believe it is very clearly in the national interest for all of the reasons I have clearly laid out. I think we need to work with our colleagues in the House and find a way to make a decision that the President seems to be unable to make.

I believe that this project is in the national interest; that we do need to be energy secure; that we do want the jobs and the economic activity for our people in this country. And I believe this decision needs to be made not on the basis of what special interest groups want but on the basis of what the American people want, and that verdict is in, and it is overwhelming.

Thank you.

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

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

HELIUM STEWARDSHIP ACT

Mr. WYDEN. Mr. President, there are four Senators on the floor who are each going to take about 5 minutes or so as we try—the leadership is now working to make it possible for us to have a unanimous consent request so that we can have a vote on the helium legislation after the respective caucus lunches.

So as of now we all will take, the four of us involved—Senator MURKOWSKI, Senator BARRASSO, Senator CRUZ—about 5 minutes. We hope to be able to propound the unanimous consent request as we all talk. We want all Senators to know that we hope to be able to vote on the legislation shortly after lunch.

We know that in Washington, DC, it is almost as if there is an inexhaustible capacity to manufacture false crises. I am here to say that if Congress does not act immediately to pass the legislation we are discussing, scores of American manufacturing and technology companies employing millions of American workers are going to find it impossible to continue their current operations. That is because without this legislation, those workers and companies would no longer be able to get access to helium, which is a critical industrial gas without which these companies cannot operate.

Every week in our country there are 700,000 MRI scans performed. Without liquid helium, which is used to cool these superconducting magnets, without which you cannot run MRIs—if you did not have that capacity, millions of Americans would lose access to a critical diagnostic test. Helium is also used for welding in the aerospace industry, and it is essential for manufacturing optical fiber for the telecommunications industry and for chip manufacturing in the semiconductor sector.

Without going into all of the history, our government got involved with helium after World War I because the defense sector needed it.

Ever since that time—I have been discussing this with colleagues—President after President, Congress after Congress, has tried to come up with a policy that finally gets government out of the helium business while still ensuring the needs of the military business and our taxpayers were protected in the process.

Senator MURKOWSKI and I have worked for many months on this legislation in the Energy and Natural Resources Committee, and we believe our bipartisan bill accomplishes this. That is because the bill requires the Federal Government to shift from selling helium at a government-set price to selling helium at a market-based price. The bill does this over a 5-year period, so there is no panic, no sudden changes in supply, and American businesses can stop worrying about whether the helium supply truck is going to actually show up in the next month.

The bill phases out commercial sales over the next 7 or 8 years and then gets the Federal Government out of the helium business entirely. With prices for helium now reflecting their real value in the marketplace, the private sector would have the incentives it needs to invest in new helium supplies to replace what is now a Federal reserve. I will wrap up by saying there have been loads of bad puns over the years about Congress floating various ideas for new helium legislation, but this is no joke. If Congress does not pass legislation to extend operation of the Federal Helium Reserve, 40 percent of the U.S. supply of this absolutely necessary industrial

commodity will disappear at the end of the month.

We have been informed the Federal agency that handles this, the Bureau of Land Management, would actually start closing the valves on October 1 if Congress has not acted.

I note Senator MURKOWSKI is here. I would ask my colleagues if Senator MURKOWSKI could go next.

Senator CRUZ has been very gracious in terms of how we are trying to handle this. Both Senator MURKOWSKI and Senator CRUZ could speak and Senator BARRASSO is here. I think we would all be done by the 12:30 window.

Let me say to my partner, once again, this is the kind of bipartisan approach we have tried to show in the Energy and Natural Resources Committee. I am very appreciative of all she does to make our partnership to work.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. If I may, I would at this time defer to Senator BARRASSO and Senator CRUZ before my comments. I know both of them need to dash off the floor.

If Senator CRUZ wishes to speak at this point in time, then I will wrap up after he and Senator BARRASSO have spoken.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. I thank my friend from Oregon and my friend from Alaska for their leadership.

As do they, I support extending the Helium Program. This is a good and important program that is critical to industry, it is critical to jobs, and it is critical to our high-tech community. I salute both the Senate and the House for a positive bill that generates revenue for the Federal Treasury and that gets the Government, in time, out of the helium business. I think that is a good and positive step.

I would note the House of Representatives passed a bill that continued this program but that devoted the revenue that came from this to deficit reduction. At a time when our national debt is approaching $17 trillion, I think devoting that revenue to deficit reduction is a good and appropriate place to direct that revenue.

When the bill came to the Senate—this bill is projected to generate approximately $500 million in new revenue for the Federal Government over 10 years. When it came to the Senate, roughly $400 million in new spending was added to the bill that came out of that $500 million that was generated.

In my view, given the fiscal and economic challenges in this country, that revenue would be better spent paying down our deficit, reducing our national debt, than it would be on new spending. Indeed, over the course of this week, I have had numerous conversations with my colleagues where I have urged them that if new spending were to be added, for them to endeavor to find other areas of Federal spending that could be reduced, that could be cut to make up for that, so we could devote the full $500 million to reducing the deficit. I think that would be the most fiscally responsible approach to be taken.

For that reason, I have had concerns about proceeding on this bill with unanimous consent, proceeding on this bill authorizing an additional $500 million in new spending without debate, without a vote. Earlier this week, I had lodged internally an objection to do so.

I am pleased to note that in conversations with Senator MURKOWSKI and Senator WYDEN, we have reached an agreement where this matter will not proceed by unanimous consent but, rather, will proceed with a rollcall vote to be scheduled this afternoon, where each Senator will cast his or her vote.

With that agreement, I am happy to withdraw any objection and allow us to go forward.

I would note it is important for economic growth and for the high-tech industry to maintain this program, but at the same time I hope going forward, when new spending is authorized, all of us will work to cut spending to compensate so we can devote the maximum resources possible to paying down our deficit and paying down our debt.

Mr. SESSIONS. Would the Senator yield for a question?

Do I understand the Senator does not oppose the bill as passed in the House that would have authorized this program to go forward, but the concern is new revenue has been generated that is being spent for other programs?

Mr. CRUZ. That is correct. In terms of a technical offset, the spending is offset by the revenue. I am not arguing that it fails to offset in the typical language of the Senate; rather, my concern is that is $500 million in new revenue that could be directed to deficit reduction. Given the magnitude of our national debt, if we have $500 million in new revenue from selling helium, sending it to the private sector, I would far rather see that $500 million used to pay down our deficit.

What I have urged my colleagues to do is, if there are new spending programs that are of particular concern to the citizens of their States, to find other aspects of the Federal budget that could be cut to offset it so that entire $500 million could go to deficit reduction rather than to funding the new spending.

Mr. WYDEN. Would the Senator yield for a question—I am going to ask a question and respond to Senator SESSIONS' point in one second.

There are differences between the House bill and the Senate bill. The House bill does not get the government out of the helium business permanently. The Senate bill gets the government out of the helium business permanently; A, it does it in a way that is fully offset and, B, not only is it offset under our proposal, passed unanimously in the Energy and Natural Resources Committee, $51 million would actually be used to lower the deficit. There is a full offset, A; get the government out of the helium business permanently, and $51 million would be returned to be used for deficit reduction.

What I wish to do, by way of moving things along—and Senator CRUZ has been very gracious in terms of the handling of this and saw me on short notice. I am very appreciative.

I wish to propound the unanimous consent request at this time. I am asking the Senator from Texas, Mr. CRUZ, a question, if this is acceptable, and then we will go right back to my colleagues.

I wish to ask the Senator from Texas if we would now move to ask unanimous consent that at 2 p.m. the energy committee be discharged from further consideration of the House bill and the Senate proceed to its consideration; that the substitute amendment at the desk, which I have been discussing and I have talked about, be agreed to.

We would then have 15 minutes of debate equally divided between yourself and myself or our designees; that upon the use or yielding back of time, the bill would be amended and be read a third time and the Senate would proceed to vote on passage of the bill, as amended; that motions to reconsider would be considered made and laid upon the table, with all of the above occurring with no intervening action or debate.

I ask the Senator from Texas would this unanimous consent request be acceptable?

Mr. CRUZ. I am pleased to tell my friend it would be acceptable. I have no objection to that. I appreciate the willingness of the Chairman, along with Senator MURKOWSKI, to allow this to come to a rollcall vote so each Senator may be on the record with their views.

Mr. WYDEN. When the Senator—who was good enough to yield me time—has completed with Senator SESSIONS and colleagues to whom he may wish to yield, I will then propound that unanimous consent request.

I don't anticipate any objection. Colleagues will know that we would then have a vote shortly after 2 p.m.

I thank Senator CRUZ.

Mr. SESSIONS. I would just say this. We need to get in our heads in this body that just because you raise revenue and pay for a new spending program, that doesn't have implications for the Federal Treasury and the budget. In fact, we have rules that guard against it.

I thank Senator CRUZ for raising and highlighting that. We need to consider it. Because the idea that you can just do that is dangerous and it creates more taxing and more spending, more revenue and more spending.

The Senator from Texas raised the point, just because you raised revenue doesn't mean the people who raise the revenue get to spend it on what they want. He is perfectly correct to say I think it should be used for deficit reduction. I thank the Senator for raising the issue.

I yield the floor.

Mr. CRUZ. I thank the Senator from Alabama, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I appreciate the fine work done by all of our colleagues.

I wish to support this bipartisan helium bill, S. 783. This is a bill which is critical to maintaining a stable supply of helium now and into the future. This bill accomplishes that.

As a physician, I know how important it is that helium is available for the newest technologies, specifically for use to cool MRI scanners and manufacture products such as semiconductors and fiber optic cables.

Helium also has important applications for the Department of Defense, for NASA, and the scientific research community. This bill extends the authority of the Secretary of the Interior to sell helium from the Federal Helium Reserve in Texas, including important reforms such as provisions already outlined by the chairman of the Energy Committee: The Secretary sells helium at market prices and the Federal Government gets out of the helium business once and for all. This, to me, is one of the key components of this legislation.

In June, the Energy Committee, on which I serve, voted to report the helium bill by voice vote—22 members of the committee. There were no objections stated. This was bipartisan.

The House has already passed its own helium bill, which is different than this. I think the Senate should pass its helium bill as soon as possible today so we can have an opportunity to negotiate with the House, get something passed, and then to the President for signature.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I am pleased we are at this point. We will be able to move forward with this important legislation relating to our Nation's Helium Program. I would certainly encourage my colleagues to support passage of this bill that we have spent several years now developing in the energy committee to reform it.

The bill, as has been mentioned by my colleagues, is a bipartisan bill. It was an important piece of legislation that was reported to the Senate floor in June by a voice vote. It is yet again another good product coming out of the energy committee.

We need to move to pass this bill but also to reconcile the remaining issues we have with the House and we have to do this before October 1. October 1 is coming at us like a freight train on a lot of different issues. But if we want to prevent a shortage of helium gas in this country, we are going to need to do it and do it now.

Again, the chairman referenced some jokes about helium. Unfortunately, a lot of folks associate helium with helium balloons, party balloons, and not the things we are talking about. It is such an essential component to everything from medical imaging equipment, semiconductor manufacturing, rocket engines, and precision welding. I think folks would be amazed at how helium plays such a significant part in our high-tech world and our manufacturing world.

We have to act. What we need to do is prevent a massive disruption in the supply chains for all of these important economic sectors. We need to pass this bill.

As has been mentioned, what we are doing is we are reforming and reauthorizing the Federal Helium Program. This program provides 40 percent of our domestic and 30 percent of our global helium supplies from the Cliffside field near Amarillo, TX.

The energy committee, as I noted, developed this bill before us. What we focused on was bringing market-based price discovery to the sale of this taxpayer-owned resource.

The approach we have taken in committee will ensure a better return to the taxpayer, which is what we are all looking for. It prevents a small number of corporations from effectively being able to pocket value that which belongs to the American public. It will also improve the management of the Helium Program to account for diminishing production and provide greater transparency for a program that clearly needs it.

So there are a lot of good reasons why we need to do this legislation. And as the chairman has mentioned, we are getting government out of the program. That ought to be something certainly all of us on this side of the aisle would agree on—getting the government out of the business altogether.

This bill completes a privatization process Congress set in motion back in 1996. It sets a hard-and-fast deadline for getting the Federal Government out of the helium business once and for all.

As has been mentioned, we do have a bill on the other side, in the other body, that doesn't take it all the way; it doesn't fully get the government out of the business. In our legislation, not later than 2022, all of the assets that are associated with the helium reserve will be sold off and the Federal Government's involvement in what should be a private market will end.

Of all the options before us for preventing an imminent helium shortage, this Senate bill is the only one that also addresses the long-term goal of exiting the sector and leaving the development of future supplies to private industry. As has been mentioned, when we do this—when we get out of the business, when we conduct these auction sales—we will generate revenue of approximately $500 million. That is both a good and important thing around here. So what the energy committee did, in a very bipartisan and very open process within our committee, we chose to devote some of this revenue to other programs within our committee's jurisdiction—not creating new programs but basically providing funding for obligations that have already been made.

One way or another, we are going to be providing for these payments—whether it is to the abandoned mine land fund, to the Secure Rural Schools Program, adjusting the royalty rates for the soda ash operators, or addressing the National Park Service backlog or the mess left by the Federal Government when it comes to drilling exploratory wells and then abandoning them. So what we have done is we have looked critically at these areas where we have had funding shortfalls within the energy committee's jurisdiction, and a portion of these revenues has been dedicated to that. But we also heard from our colleagues—members on the committee and others—who said we need to make an effort to take some of these revenues and direct them to deficit reduction. So we have reduced the Federal debt by at least $56 million. This was a priority of Senator FLAKE and Senator RISCH on the committee, and we have directed that.

Again, all of these are priorities among programs within the jurisdiction of the Energy and Natural Resources Committee, and given the $56 million that is devoted to deficit reduction, the resources we have devoted to addressing them are more than offset. I think our success in striking this balance has been confirmed by both the Congressional Budget Office and the bipartisan staff of our Senate Budget Committee.

We have an opportunity before us today, and I think we have a responsibility to act now, as this October 1 deadline is looming. First and foremost, we have to act to prevent a massive disruption to the helium supply chain that could harm so many sectors of our economy. This bill prevents that from happening. We also need to finish what the Congress started back in 1996 and fully and finally privatize the helium business so that the Federal Government can get out of the industry. And we should address these other priorities—including deficit reduction and other obligations the Federal Government has already taken on—by making responsible, thoughtful decisions about the use of the revenues associated with the reauthorization and the eventual closure of the Federal Helium Reserve.

For these reasons I would certainly encourage my colleagues to support the bill when we go to a vote in just about an hour and a half.

With that, I yield for my friend and colleague.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, let me thank the Senator from Alaska for an excellent statement. It very much reflects our desire to make this bipartisan.

I particularly appreciate her noting the contributions of two of the members of our committee, Senators RISCH

and FLAKE, who also made the point that, yes, we are getting the government out of the helium business; yes, we are making sure we are not putting at risk millions of high-skilled, high-wage jobs; but we have to be serious, as my friend from Alabama likes to say, about this budget deficit. And so I will be. He and I have talked often about Medicare and other areas. We will be serious about that deficit reduction, as Senator MURKOWSKI has talked about. And particularly in light of the comments of Senator RISCH and Senator FLAKE, we were able to meet the needs of people, working families across this country who depend on these high-skilled, high-wage jobs. So we are meeting those needs, and we are contributing to deficit reduction. So I thought the Senator's points were well taken.

UNANIMOUS CONSENT REQUEST—H.R. 527

At this point, Mr. President, I ask unanimous consent that at 2 p.m. today, the energy committee be discharged from further consideration of H.R. 527 and the Senate proceed to its consideration; that a Wyden substitute amendment, which is at the desk, be agreed to; that there be 15 minutes of debate equally divided between Senators WYDEN and CRUZ or their designees; that upon the use or yielding back of the time, the bill, as amended, be read a third time and the Senate proceed to vote on passage of the bill, as amended; that the motions to reconsider be considered made and laid upon the table, with all of the above occurring with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, let me say to the Senators who have worked on ending the Federal Government's involvement in this program that this is a great accomplishment, and I thank them for that. I do think there is technically not a budget point of order for the process they have used in funding this bill, although I think Senator CRUZ is raising a valid concern. I guess if we could do $50 million on deficit reduction, we could do more. But I did want to say that I am proud of the thrust of the legislation. I think it is good legislation. I thank them for it. And it does not, I am informed, violate the Budget Act.

Mr. President, I have directed my staff on the Budget Committee to conduct a detailed analysis of the economic conditions facing working Americans—their wages, their employment conditions, and their household finances. I will give a series of talks over the coming weeks looking at that financial situation and the state of our Nation as a whole economically. I will also attempt to look at the causes leading to our current financial difficulties and suggest some steps to restore America's financial future.

This topic is very important. The sad fact is that the state of middle and lower-income Americans is worsening on virtually every front. The slow growth of the economy (and this has been the slowest recovery from a recession since World War II or the Great Depression) is restraining the normal upward movement of income that previous generations have experienced. It has accelerated in the last several years, but it has been going on—we have to be honest with ourselves—for a much longer period of time. If you don't have a job now, you are twice as likely to only find a part-time job as full-time work, if you can find one at all.

According to the U.S. Census Bureau, middle-class incomes have declined for 18 years. That has happened with different parties, different Presidents, and different majorities in the House and Senate. That decline means that savings for college and retirement are growing at alltime lows. Young people are not marrying as early as they want, sometimes due to bad economic prospects. That means families are launching later in life, which gives couples less years to pay down a mortgage or raise children.

Perhaps the greatest single source of our economic anxiety, however, is the fear of losing a job or that our children won't be able to get a job or our grandchildren won't be able to get a good job.

It is not just the unemployment rates that remain too high—at 7.3 percent as of August 2013—it is the number of people we all know who are working well below their potential because nothing is available that uses their job skills. It is the number of people we know who have given up looking for work or who are working part time because nothing full time is available to them.

Fewer people are working today than in 2007. Almost 4 million fewer people are working today than in 2007, but during that time our population has increased and the number of workers of working age has increased. Just before the recession hit in December 2007, about 62.7 percent of the working-age population was working—62.7. If that same percentage was working today, we would have 154 million jobs. But we don't have 154 million, we have 144 million. And only 58.6 percent of the population is working, which is a marked decline. In short, we are missing 9.9 million jobs when we compare this economy to the one in 2007.

Here is another way to look at the job problem. In 2007 we had 363,000 discouraged workers—people who had given up looking for work because they couldn't find a job but still had not disappeared from the rolls of employment security offices. Today we have 866,000. That is an increase of 140 percent in discouraged workers.

Here is another barometer of the middle-class difficulties. We have 1,988,000 fewer full-time jobs today than in December 2007; however, we have 3,627,000 more part-time jobs. How we calculate this is important. People with part-time jobs, according to the jobs people at the Department of Labor, are not counted as unemployed, they are counted as employed, although they may want a full-time job, and most do. So our economy is producing part-time jobs rather than full-time jobs. That has been going on for a long time, and it is not acceptable. These jobs often have no health care program or retirement plan.

A very high percentage of all jobs created this year are not full-time jobs, and workforce participation—the percentage of people who are actually working today—is the lowest since 1975. That is not acceptable. And these trends have been going on for some time.

Let's take a look at median family income. The Census Bureau published new estimates of household income on Tuesday, August 17. They report that the median income of American households is lower than last year, lower than the year before, and, in fact, is lower than at any time since 1995, adjusted for inflation.

This is a very serious trend. While we have done a lot of things to make this economy better, few benefits are going to main-line, hard-working American people. They are struggling out there. You have to go back to 1995 to find median household income that is lower than today's household income.

Even if we take broad measures of income, we get similar results. If we divide all of the income by the population to come up with a per-capita income concept, per-person income is lower today than at any time since 1997. This is an unacceptable trend. It is clear it is not a short-term phenomenon. It is now a negative trend for almost 18 years, and it cannot continue.

While the stock market has rebounded and corporate profits have remained strong, that should not and cannot be used to obscure these trends, trends that have accelerated after we emerged from the recession of 2008 and 2009.

Many are concerned that the Federal Reserve is furthering the Nation's economic problems with a growing wealth gap. Their quantitative easing has boosted the wealth of the investor class but has not benefited the working class. This is not the way our policies should work. People who know what to do with low-interest money seem to be coming out ahead. But the people who don't have money, don't have jobs, who are working part time instead of full time, are slipping.

Our civil society, the great foundation of the our economy, today has certain weaknesses that we have to talk about. I will address more in a separate speech, but let me give a few thoughts.

Few social institutions are more important in helping us through difficult economic times than marriage. However, marriage is disappearing in the

bottom 50 percent of the income distribution. Many people stay too long in low-income unemployment situations, and it is not healthy. And too often, the fathers are not in those households. If you are in the bottom 50 percent of the income distribution and give birth, there is a greater than 50-percent chance that the father will not be living with you when the child comes home from the hospital. Perhaps, as many suggest, our welfare policies are exacerbating these trends. We need to look at that.

Also worrying is the decline of charitable giving since 2007. Like the overall economy, this vital part of our social and economic system has not recovered effectively. Total charitable giving fell in 2008 to $303 billion from $326 billion. As of the end of 2012, total giving was only $316 billion—still 3 percent below what it was 6 years ago.

I would conclude and note that the road we are on is leading to the continued erosion of the middle-class civil society, the quality of life for hard-working Americans is not improving financially, and the continued expansion of the welfare state and the permanent entrenchment of a political class that profits from the growth of government. It is time we recognize both the disastrous conditions facing working Americans and the moral obligation we have to replace dependency on government with the freedom and dignity that comes from work and independence. That has got to be our goal.

There are things that can be done to improve these conditions. It is time for us to defend working Americans and their undeniably legitimate concerns about current trends. I will talk about that as we go forward. It is something we need to seriously consider.

Relevant here is this question, can we bring into our country more people than we have jobs for? Won't that pull down wages and make it harder for people to get work? And this question, shouldn't we defend more effectively our workers against unfair trade and competition from around the world? Both of those policies are ones I hope we could have bipartisan support on, although I am worried. The Senate's immigration bill would increase permanent immigration by 50 percent, would increase guest workers—people who come and take jobs—by double, all in addition to the 11 million who would be given legal status here.

I do think our colleagues are correct to say we should do more about trade and have fair competition on the world stage for our workers. I think we have got to convert more of this welfare spending, the 80-some-odd programs that are fundamentally geared to lower income Americans, that spend $750 billion a year—which is larger than Social Security, larger than defense, and larger than Medicare—we need to convert some of that to better use.

For example, for every $100 spent on these programs, only $1 goes to job training. Shouldn't we focus more on getting our unemployed, our people who need more training, trained, ready to move into the workforce, to take jobs? Can we afford to bring in millions of people to take jobs and to leave our people on welfare and the unemployment rolls?

Those are some of the fundamental questions we as Americans need to be asking. But first and foremost, colleagues, we are not able to deny the unassailable fact that we have had a slide in the financial well-being of millions of Americans, and that this has been going on for well over a decade.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

MORNING BUSINESS

Mr. WYDEN. Mr. Chairman, I ask unanimous consent that we be in a period of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Pennsylvania.

CYBER BULLYING

Mr. CASEY. Mr. President, I rise today to speak about an issue we don't talk about here, and I am joined by my colleague, the senior Senator from Florida, Senator NELSON.

We appear on the floor today to talk about an issue which I would argue is a clear and present danger to young Americans. What is that? We could probably make a long list of things we are concerned about as it relates to young people, but we are here today to talk about bullying and harassment.

According to the Department of Education, nearly one in three students ages 12 to 18 is affected by bullying and harassment. Another study estimates that 60,000 students in the United States of America do not attend school each day because they fear being bullied.

With the advent of text messaging and social media, many children find they cannot escape the harassment when they go home at night. It follows them from the moment they wake until the moment they go to sleep. This problem was brought once again into the national consciousness in the last couple of days.

I am reading a headline from the Tampa Bay Times, dated September 12, 2013: ''Lakeland Girl Commits Suicide After Being Bullied Online.''

Senator NELSON will be talking about that, as will I.

Here is the other headline from the Washington Post about the same incident: ''Police: Florida Girl Who Committed Suicide Had Been Bullied for Months by as Many as 15 Girls.''

I am the father of four daughters and I remember times when my daughters were going through high school. We have one in high school, one in college, and two out of college. I remember when our daughter was going through high school and instant messaging was one way to communicate, kind of a back and forth between some of the girls in her high school class. She was about 15 or 16 at the time. It never rose to the level of any kind of serious harassment. It was something that a lot of families I am sure have experienced. But my wife and I were blessed that our daughters never were exposed to what this young girl was exposed to. I won't show her picture, but I am looking at a picture of her right now. Her name is Rebecca Ann Sedwick, 12 years old, of Lakewood, FL, a beautiful girl subjected to the most horrific kind of harassment and abuse. It is almost unimaginable that a group of human beings could do this to another person. Unfortunately, it happens all too often.

Because my colleague from Florida knows the case and the news articles better than I, I ask him to highlight this. But I think we all have the same reaction, one of horror, and we are summoned by our conscience to do something about this. We can't just say, as some say, Well, every generation has faced some kind of harassment, some kind of bullying, so it is part of growing up. I have heard this argument. The argument is without validity, because no generation prior to this generation has had the technological burden. When I was growing up and someone was bullied at school, that was bad enough, but it ended when the schoolday ended. But today that is not possible if you have determined and vicious people who want to bully another student, because technology allows that person to be bullied when they leave school, all throughout the night, and then throughout the next day and day after day.

I turn with respect to my colleague to talk a little bit more about this particular case.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON. Mr. President, many States such as mine, Florida, have strict bullying policies in place. But we need to go beyond that, and Federal legislation is needed because, as the Secretary of Education has said, these laws in the States ''lack consistency and enforcement mechanisms'' across the country.

So you get to the tragic case in Florida of Rebecca Ann Sedwick. It is a tragic reminder that bullying in the social media is increasing in both method and mercilessness.

Here is a girl with a single mom. She gets subjected to this bullying in class, so her mom takes her out of the school and puts her into another school. This is a 12-year-old little girl. She then is bullied online.

This occurs for 2 years. This is what she gets: Why are you alive? You should die. You are ugly. Can you die, please? She gets a constant dose of this not only at school, but then in the social media. Her mom tried to take

away the cell phone that would have these applications. But when she gets her phone back, she gets a new application, and this cyber bullying keeps coming through.

We have before us legislation that would get educators and parents more involved in trying to prevent this kind of bullying. Unfortunately, Congress is crippled by gridlock and for the last 6 years has been unable to pass any major education bill that contains this anti-cyber-bullying language. That is why I suggest my colleagues consider this provision on its own—separate from the broader bill—to expedite our response to what has become an increasing problem. The measure would require elementary and secondary schools to better address bullying and harassment. This calls on schools to report incidents of bullying to parents and others so we can try to prevent such conduct in theture.

I have asked the leadership, the leadership of the committee, as has my colleague, that they consider expediting this passage because of the national attention to this tragic incident in Florida. I can tell you, it is all over Florida.

I want to thank Senator CASEY for his sponsorship and continuing leadership on this issue over the last two Congresses, along with Senator KIRK. He and Senator KIRK have introduced the Safe Schools Improvement Act, which is included in the broader reauthorization of No Child Left Behind legislation—if we could then focus on this specific issue, if the broader bill is not going to pass, and get this out in the midst of this enormous personal tragedy.

I cannot understand. For 2 years this has happened to a young child. Her mom is doing everything possible, even pulling her out of one school and putting her in another. Yet it continues and it drives this young lady to go into an abandoned cement plant and take her life because she doesn't think her life is worth living as a result of all of these taunts.

I thank Senator CASEY for his leadership. Let's see if we can move it.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I commend Senator NELSON for his leadership and for bringing this horrific example to the attention of the Senate, at least on the floor, even though many had seen the news coverage. I thank him for his leadership in trying to focus on this, even if a larger education bill does not pass.

I will conclude by saying anyone who doubts this is a problem should read one or more of these articles about this case, but I am sure we could cite many others. I will make part of the RECORD both of these articles I referred to, the Tampa Bay Times of September 12 article and the Washington Post story of the next day, September 13, that I referred to.

I want to read two lines from both stories. From the Tampa Bay story, the sheriff of Polk County, FL, Sheriff Brady Judd, says about Rebecca Ann Sedwick, she was ''absolutely terrorized on social media.'' That is the sheriff, a law enforcement official who made a determination about what happened to this girl.

Then in the Washington Post story—this is actually the Washington Post but it is the Associated Press; I should correct that—but right in the middle of the story by the Associated Press:

> The case has illustrated once more the way that youngsters are using the Internet to torment others.

In one they refer to being ''terrorized,'' in the other they refer to someone being ''tormented.''

This is a big problem. The legislation I have introduced may not have prevented this, but for sure we need legislation where schools at a minimum are required to have a code of conduct which includes bullying and harassment.

By the way, they do not need to wait for a bill to be passed. There is no excuse for a school in the United States of America not to have a code of conduct that specifically prohibits bullying right now. Any school district that does not have that in place should be ashamed of themselves and they should get to work and get that done. They don't need to wait for a bill from Washington.

That is No. 1, prohibit the conduct very specifically. No. 2, the States need to collect information and make that information available and report this information to the Department of Education. But one of the most important features of this, to get it right, is you have to specifically prohibit bullying that is done by way of electronic communication.

Whether or not this bill is passed in the near term, there are things schools can do right now. They have no excuse to wait for a bill. That is the school's responsibility, and the community's, and the school district's.

What about other areas of responsibility? Parents have a responsibility. So parents either of the tormenters, the perpetrators of this crime, but even parents who do not have children involved on either end—every parent has a responsibility. I know people do not like to hear that. They do not like public officials telling parents what they should do. Frankly, I am not too concerned about that today. Every parent has a responsibility to tell their children not to engage in this kind of conduct. If they do not do that, they are not doing their job. If their child is involved in this kind of bullying, they need to figure out a way to stop their children from doing that. If they do not do that, they are not doing their job. Parents who hear about another child who is being bullied have a responsibility to tell someone, and the students have a responsibility as well.

We are all responsible here. We cannot say it is just the school district's problem or just the Federal Government's problem or just the State's problem or just the parents' problem. We are all responsible when this happens and we all have a responsibility to do something about it because this is unacceptable. This is a crime we should never ever tolerate.

Unfortunately, we keep reading the stories, we keep hearing about this, and some people are willing to walk away. We need to do more than just talk about legislation. I have a very good bill. I thank Senator KIRK for making it a bipartisan priority. But we have to do more than just talk about legislation and pass bills. That is important, but we need to take ownership of this issue as parents, as citizens, and as Americans. We all have a responsibility.

May it be said years from now, decades from now, that because of horrific and disturbing stories such as the story from Florida where Rebecca Ann Sedwick was pushed and tormented to the point where, according to the news article, she committed suicide—let it be said of us that we took the right steps to substantially reduce the likelihood that this kind of story ever plays out again.

I ask unanimous consent the articles be printed in the RECORD.

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

[From the Washington Post, Sept. 13, 2013]

POLICE: FLORIDA GIRL WHO COMMITTED SUICIDE HAD BEEN BULLIED FOR MONTHS BY AS MANY AS 15 GIRLS

(By Associated Press)

TAMPA, FL.—For nearly a year, as many as 15 girls ganged up on 12-year-old Rebecca Ann Sedwick and picked on her, authorities say, bombarding her with online messages such as ''You should die'' and ''Why don't you go kill yourself.''

Rebecca couldn't take it anymore.

She changed one of her online screen names to ''That Dead Girl.'' She messaged a boy in North Carolina: ''I'm jumping.'' And then, on Monday, the Lakeland girl went to an abandoned concrete plant, climbed a tower and hurled herself to her death.

Authorities have seized computers and cellphones from some of the girls as they decide whether to bring charges in what appeared to be the nation's latest deadly cyberbullying case.

The bullying started over a ''boyfriend issue'' last year at Crystal Lake Middle School, Sheriff Grady Judd said. But he gave no details. Police said Rebecca was suspended at one point for fighting with a girl who used to be her friend.

Rebecca had been ''absolutely terrorized'' by the other girls, Judd said. He said detectives found some of her diaries at her home, and she talked of how depressed she was about the situation.

''Her writings would break your heart,'' he said.

The case has illustrated, once more, the ways in which youngsters are using the Internet to torment others.

''There is a lot of digital drama. Middle-school kids are horrible to each other, especially girls,'' said Perry Aftab, a New Jersey-based lawyer and expert on cyberbullying.

Last December, Rebecca was hospitalized for three days after cutting her wrists because of what she said was bullying, according to the sheriff. Later, after Rebecca complained that she had been pushed in the hallway and that another girl wanted to fight her, Rebecca's mother began home-schooling her in Lakeland, a city of about 100,000 midway between Tampa and Orlando, Judd said.

This fall, Rebecca started at a new school, Lawton Chiles Middle Academy, and loved it, Judd said. But the bullying continued online.

''She put on a perfect, happy face. She never told me,'' Rebecca's mother, Tricia Norman, told the Lakeland Ledger. ''I never had a clue. I mean, she told me last year when she was being bullied, but not this year, and I have no idea why.''

After Rebecca's suicide, police looked at her computer and found search queries such as ''what is overweight for a 13-year-old girl,'' ''how to get blades out of razors,'' and ''how many over-the-counter drugs do you take to die.'' One of her screensavers also showed Rebecca with her head resting on a railroad track.

Police said that she had met the North Carolina boy at an airport and that they had remained friends online. The 12-year-old boy didn't tell anyone about the ''I'm jumping, I can't take it anymore'' message he received from her on Monday morning, shortly before her suicide, authorities said.

Detectives said the other girls' parents have been cooperative.

Florida has a bullying law, but it leaves punishment to schools, not police. Legal experts said it is difficult to bring charges against someone accused of driving a person to suicide.

''We've had so many suicides that are related to digital harassment. But we also have free-speech laws in this country,'' Aftab said.

In a review of news articles, The Associated Press found about a dozen suicides in the U.S. since October 2010 that were attributed at least in part to cyberbullying. Aftab said she believes the real number is at least twice that.

In 2006, 13-year-old Megan Meier hanged herself in Missouri after she was dumped online by a fictitious teenage boy created in part by an adult neighbor, Lori Drew, authorities said. A jury found Drew guilty of three federal misdemeanors, but a judge threw out the verdicts and acquitted her.

Florida's law, the Jeffrey Johnston Stand Up for All Students Act, was named after a teenager who killed himself after being harassed by classmates. The law was amended July 1 to cover cyberbullying.

David Tirella, a Florida attorney who lobbied for the law and has handled dozens of cyberbullying cases, said law enforcement can also seek more traditional charges.

''The truth is, even without these school bullying laws, there's battery, there's stalking,'' he said.

[From the Tampa Bay Times, Sept. 12, 2013]

LAKELAND GIRL COMMITS SUICIDE AFTER BEING BULLIED ONLINE

(The Ledger)

LAKELAND.—Investigators have identified at least 15 girls who were involved in the social media circle of a 12-year-old Lakeland girl who took her own life after more than a year of constant bullying.

At a news conference Thursday, Polk County Sheriff Grady Judd said it appears Rebecca Ann Sedwick jumped to her death at an old cement business after being beat down with hate messages online. Her body was found Tuesday.

During their investigation, detectives found multiple social media applications where Sedwick was cyberbullied with messages, including ''Go kill yourself,'' and ''Why are you still alive?''

Sedwick was ''absolutely terrorized on social media,'' Judd said.

The Sheriff's Office is investigating the cyberbullying, Judd said.

Judd said parents of all 15 girls have cooperated with detectives and several cellphones and laptops have been confiscated.

Before her death, Sedwick had searched questions online related to suicide, including ''How many over-the-counter drugs do you take to die?'' and ''How many Advil do you have to take to die?''

The night before her death, Sedwick gave several warning signs about her planned suicide that were never reported for help.

Judd said a 12-year-old boy in North Carolina, whom Sedwick met through social media, knew of her plan. Sedwick messaged him only hours before her death saying she was dead and ''I'm jumping, I can't take it anymore.''

Sedwick also changed her name early Tuesday morning on the free messaging application, Kik Messenger, to ''That Dead Girl.''

Judd said detectives are trying to investigate the social media applications that Sedwick used, including Kik and Ask.fm, but many of the websites are based in other countries.

Florida has an antibullying law that covers cyberbullying. As the investigation continues, Judd said charges, including cyberstalking, could be filed.

He said it appears that the bullying started sometime in 2012 and was physical at her former school, Crystal Lake Middle School, and then moved completely online.

''We're trying to sort out a bunch of girl talk that goes further than girl talk,'' he said.

The investigation is still in its early stages, but Judd said there were warning signs that nobody noticed. If detectives can find evidence, the girls could be charged with felony cyberstalking because Sedwick was under 16 years old.

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

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

CONFRONTING REALITIES

Mr. SANDERS. Mr. President, there is a lot of concern all over this country about what is going on in Washington in terms of the possibility that the United States, for the first time in its history, may not pay its debts and what that means to the American economy, what it means to the world economy, and what it means to the international financial system. There is a great deal of concern about the possibility that on October 1, the U.S. Government may shut down because we have some rightwing extremists in the House who want to, among other things, abolish legislation passed 4 years ago—the Affordable Care Act—and throw something else in there.

Before I get to those issues, I wish to speak about the reality of what is going on in the economy today. What I want to do is something that is not done often enough, and that is to ask where some of our rightwing colleagues are really coming from. What are their goals?

Fine, they want to shut down the government on October 1. OK, so they don't want to, for the first time in the history of America, pay our bills. But what else do they want? What is this rightwing ideology which has taken over the House? That is an issue that we do not talk about as much as we should.

I wish to begin my discussion by looking at the reality of what is going on in the American economy and why people are so angry and frustrated that the government is not responding to their needs—and they have every reason to be angry.

The Census Bureau reported the other day a rather extraordinary fact, a very depressing fact; that is, in terms of median family income—what the typical American family right in the middle of our economy is experiencing—that family made less money last year than it did 24 years ago. Twenty-four years have come and gone, people have worked so hard, and after 24 years they are now earning less money as a family than they did back in 1989.

Further, what the Census Bureau told us is the typical middle-class family has seen its income go down by more than $5,000 since 1999, after adjusting for inflation. So if people are angry in New Mexico and if they are angry in California, that is why. They are working hard and their income is going down.

The average male worker made $283 less last year than he did 44 years ago. How is that for progress? Less money last year, male worker, than 44 years ago. The average female worker earned $1,700 less last year than she did in 2007—going down. A record-breaking 46.5 million Americans are now living in poverty. We have the highest rate of childhood poverty in the industrialized world, at almost 22 percent. A higher percentage of American kids live in poverty now than was the case in 1965. In other words, we are moving but we are moving in the wrong direction.

Meanwhile, the people on top, the wealthiest people in this country, are doing phenomenally well. That is the major point that has to be made over and over. This is not an earthquake or a tsunami that has hit everybody, we are all in this together and everybody is struggling. Not the case. The wealthiest people are doing phenomenally well.

Last week we learned that 95 percent of the new income generated in this country from 2009 to 2012 went to the top 1 percent. That is a phenomenal statistic. All of the new income generated—95 percent of it—went to the wealthiest 1 percent. Earlier this week

Forbes Magazine reported that the wealthiest 400 Americans in this country are now worth a record-breaking $2 trillion. My colleagues can do the arithmetic. That is an extraordinary concentration of wealth in this country that we have not seen since before the Great Depression.

The richest 400 Americans now own more wealth than the bottom half of America—over 150 million Americans. One family—and this is not what I learned in the history books when I was growing up about what America was supposed to be like—but one family, the Walton family, owner of Walmart, owns more wealth than the bottom 40 percent of the American people. Corporate profits are at an all-time high while wages as a share of the economy are at a record low.

Wall Street, whose greed, recklessness, and illegal behavior caused this massive economic downturn—their CEOs, their executives, are doing phenomenally well. In fact, CEOs on Wall Street are on track to make more money this year than they did in 2009. Believe me, they have recovered, they are doing great, while the middle class of this country is disappearing.

That is an overview of the reality facing our country: The middle class is disappearing, poverty is at an all-time high, and the people on top are doing phenomenally well.

Now I wish to go from that reality to speak about what rightwing extremism is really about, and it is much more than shutting down the government; it is much more than not paying the debts we owe and causing a major financial crisis.

Let me suggest to my colleagues—and I think they already know—that if we delve into what some of our colleagues here in the Senate but mostly in the House believe, we will find what they believe is—forget the Affordable Care Act which they want to repeal; that is nickels and dimes—what they are really all about is repealing every significant piece of legislation passed in the last 80 years which protects the needs of the middle class, working families, the elderly, the kids, and lower income people. You name the piece of legislation, they either want to repeal it entirely or they want to make massive cuts in those programs.

Let me name what those programs are. Social Security. Some of them believe Social Security is unconstitutional. It is not just that they want to cut Social Security; they don't believe in the concept of Social Security.

The same thing with health care on the part of the Federal Government; Medicare, Medicaid. Why should the Federal Government be involved in those programs? That is not the role of the Federal Government. Let's abolish Medicare, abolish Medicaid. If a person is 70 years of age and they don't have a lot of money and no health insurance, which Medicare provides, what happens to them? My colleagues can tell me. What happens if you are 70 and you are diagnosed with cancer and you don't have health insurance? Everybody knows the end of the story. You die. Well, that is the way life goes because we are all in it for ourselves. We don't believe the government should provide health insurance to all people.

If I am a multimillionaire and I get sick, my kids get sick, I have the best health care in the world. But if I am a struggling, middle-class person, working-class person, lower income person, hey, the government should not be involved in those areas.

Minimum wage. Many of us believe, and the overwhelming majority of the American people believe, that the minimum wage today, at about $7.25 an hour, the Federal minimum wage, is too low. I wish to applaud the Governor and the legislature in California for raising their minimum wage to $10. But right now we are at about $7.25 for the Federal Government. Do people know what most of our colleagues here believe? It is not just that they are opposed to raising the minimum wage; they want to abolish the concept of the minimum wage. That is the fact. The American people don't know that.

What does that mean? It means if a person is living in a high unemployment area where a lot of people are struggling for a few jobs and an employer says, The best I can pay is $3.50 an hour—that is what I can pay—I have to take that. People think I am kidding. I am not kidding. A majority of the Republicans, to the best of my knowledge, now believe in abolishing the concept of the minimum wage.

Environmental protection. We have made some real progress in recent years—not enough, but we have made some progress. When we go to New York City, California, Los Angeles, the air is cleaner. We have cleaned up a lot of rivers. We have told companies they can't put their crap and their toxins into rivers and waterways; they can't put it up in the air so the kids breathe it. We have made some progress on that. Some of our Republican friends say, It is not that we are just opposed to this or that piece of legislation, let's abolish the EPA. Let's abolish the ability of the American people to protect their health.

Let me quote something, and I can quote a lot of sources. I can quote many of the statements made by some of our colleagues, but I want to go to the platform of the 2012 Texas Republican Party. Why do I want to go there? Because, in fact, Texas is a large State. The Republican Party in Texas is very powerful. But, also, the ideas that come from Texas, to be fair to the State of Texas, end up spreading all over this country, especially in Republican circles.

I wish to read some of the proposals in the 2012 Texas Republican Party platform. Texas, one of our largest States, controlled by Republicans right now: ''We support an immediate and orderly transition to a system of private pensions based on the concept of individual retirement accounts and gradually phasing out the Social Security tax.''

In English, what that means is they believe in the privatization of Social Security, and people, if they have the money, can invest on Wall Street and do what they want. That is the Texas Republican Party platform.

What else do they say? I want veterans—and I speak as chairman of the Veterans' Affairs Committee—to listen to this one: ''We support the privatization of veterans health care.'' In other words, they would abolish the Veterans' Administration. We have some 6 million veterans today getting pretty good health care at the VA. Yet at the mainstream of rightwing extremism in this country is the Texas Republican Party that believes we should abolish the VA health care system.

Furthermore, what they are saying is: ''We support abolishing all federal agencies whose activities are not specifically enumerated in the Constitution; including the Department of Education and the Department of Energy.''

Goodbye, Department of Education, goodbye, Federal aid to education, title I, and many other important programs that are supporting public education in America: Goodbye.

''We . . . oppose . . . mandatory kindergarten.'' Right now it is widely regarded that the United States has the worst early childhood education system of any major country on Earth. People can't find affordable early childhood education. Their proposal is to abolish mandatory kindergarten.

I spoke about this earlier: ''We believe the Environmental Protection Agency should be abolished.'' No problem. If a company wants to put toxins into the rivers and the lakes and the air, go for it because we have no agency that is going to stop them.

''We recommend repeal of the Sixteenth Amendment of the U.S. Constitution, with the goal of abolishing the I.R.S. and replacing it with a national sales tax collected by the States.''

In English, what that means is, what they want to do is move to regressive taxes, ending all forms of progressive taxation. So they want working people, middle-class people, to pay more in taxes, while the wealthy pay less.

''We favor abolishing the capital gains tax [and the estate tax],'' which, of course, falls most heavily on wealthy people.

Here is what they say—and I have to give these guys credit, they are up front, they put this on paper—''We believe the Minimum Wage Law should be repealed.''

So there we go. People in America will now work for $3 or $4 an hour if that is what the circumstances require.

I point out, as I said earlier, this is coming from the Texas Republican Party Platform, and I could have gone elsewhere. But the ideas that come from them end up filtering among rightwing circles all over America.

Now, interestingly enough, at a time when the middle class is disappearing and the wealthy and large corporations are doing phenomenally well, it is important to hear what the CEOs of the largest Wall Street banks and corporations in this country—the Business Roundtable—have to say on the economy. Wall Street—bailed out by the middle class of this country—corporate America enjoying record-breaking profits.

Earlier this year, the Business Roundtable—again, these are the CEOs of the major corporations in America. Without exception, these guys are making millions of dollars a year in income. They have wonderful retirement packages, health care benefits for them and their families. This is what they have to say. They came to Washington, and they called on Congress to raise the eligibility age of Social Security and Medicare to the age of 70—70.

Wall Street billionaires, CEOs making huge amounts of money, with wonderful retirement packages—they now want Congress to raise the retirement age of Social Security and Medicare to age 70; they want to cut Social Security and veterans benefits, their COLAS; they want to raise taxes on working families and, obviously, it goes without saying, cut taxes for the largest corporations in America, at a time when one out of four of these corporations does not pay a nickel in taxes.

That is the background: the middle class collapsing; the rich getting richer. Then we have a right wing in this country, fueled by people like the Koch brothers, and others, who are pushing a totally reactionary agenda.

Let's talk about what that immediate agenda looks like in terms of the CR, the continuing resolution, that, in fact—and this is what is going to pass in the House, as I understand it—would lock in place sequestration for domestic programs, while providing a $20 billion boost to defense spending for the next 3 months. That is annualized, looking from the year's perspective.

If we do that for a year, that sequestration level, according to the Congressional Budget Office, sequestration will lead to the loss of 900,000 jobs and cause a seven-tenths of 1 percent drop in the GDP. Real unemployment today is close to 14 percent. With sequestration for a year, it would result in the loss of some 900,000 jobs—at exactly a time that we do not need it. Many of the jobs lost will be government jobs, but that should come as no surprise because the extreme right wing really does not believe in the concept of government.

So when we lose jobs in the teaching profession, when we lose police officers and firefighters and construction workers and VA nurses and VA doctors and scientists and engineers, that is no problem for some of these fellows.

Sequestration—we should be clear—has already caused enormous pain for millions of Americans. As I mentioned earlier, this country is way behind our global competitors in terms of childcare, early childhood education.

As a result of sequestration, more than 57,000 kids are losing access to Head Start and Early Head Start Programs.

At a time when food insecurity is skyrocketing, and when millions and millions of parents are wondering how they are going to be able to feed their kids, what the sequestration does is it literally goes after some of the most vulnerable people in this country, who are elderly people, low income, living on minimal Social Security benefits, who cannot even leave their homes. They are served right now by the Meals on Wheels Program, and I want to thank all of the Meals on Wheels volunteers out there for doing a great job trying to help these seniors. Sequestration will continue major cuts, throwing thousands and thousands of seniors off the Meals on Wheels Program.

We have a serious housing crisis in America. Sequestration will make it harder for over 100,000 families to get a variety of affordable housing programs.

Everybody knows the cost of a college education is soaring. Working-class families cannot afford college today. Yet sequestration would result in 70,000 college students losing Federal work-study grants. That is the means by which they earn some money to help stay in college.

Sequestration will result in cutting back on chemotherapy treatments to thousands of cancer patients because of a 2-percent cut to Medicare providers.

The Low-Income Home Energy Assistance Program—very important in the State of Vermont where it gets cold—massive cuts.

Long-term unemployment checks—unemployment remains high—a 10-percent cut. That will be continued.

So that is where we are right now.

And it gets worse. It gets worse. If the Boehner CR is approved, programs that millions of Americans rely on will be cut even further. So everything I told you will get even worse.

I think what we are looking at right now is not just the immediate pain of the continuing resolution or the threat not to pay our debts and destroy the credit rating of the United States of America. Those are enormous realities. But what we are looking at is a real effort to dismember the U.S. Government and wreak havoc on the lives of tens and tens and tens of millions of people.

To my mind, what we have to do is exactly the opposite of what our right-wing friends are suggesting. They are suggesting that we should raise unemployment. They are suggesting that we should cut back on Federal funding for infrastructure. I believe we should be investing billions and billions of dollars in addressing our crumbling infrastructure—roads, bridges, water systems, wastewater plants, our rail system. When we do that, we make this country more productive and we create millions of jobs. I believe we have to invest significantly in energy efficiency and sustainable energy. When we do that, we not only protect the environment and combat global warming, but we also create jobs. I believe we have to rewrite our disastrous trade policies so that American jobs are not our No. 1 export. I believe, instead of further deregulation of Wall Street, Wall Street has to be effectively regulated so their greed and recklessness can no longer cause enormous problems for our economy. Instead of lowering taxes for the wealthiest people, I think it is high time they started paying their fair share of taxes.

So what we are involved in here is a great debate, which goes beyond the continuing resolution. It goes beyond the shutdown of the government. It goes beyond whether the United States fails to pay its bills for the first time in history. I believe what we have is an ideology, a rightwing ideology which reflects, at most, the views of 15 percent of the American people. I think that is probably a generous perspective. I think the vast majority of the American people do not believe what rightwing extremism is doing, and it is high time we begin to stand and say to these people: If you are going to continue those efforts, you may not be back here in the U.S. Congress.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to be able to speak for up to 10 minutes in morning business.

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

Mr. BROWN. Thank you, Mr. President.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

Mr. BROWN. Mr. President, today, the House of Representatives is voting on legislation dealing with the farm bill and food stamps. Recently—this week—the House of Representatives broke with 40 years of tradition, precedent, common sense, and perhaps human decency when it bowed to partisan politics and passed a farm bill without a nutrition title. They pulled apart what traditionally urban and rural interests have done in this country: coming together to pass a farm bill, connecting it with a nutrition title, where it served rural America, it served urban America, it was good for hungry kids, it was good for economic development, it was good for conservation and the environment.

The House leadership has announced that later today—sometime this afternoon—the House will vote on a bill that would cut the Supplemental Nutrition Assistance Program, SNAP, by nearly $40 billion. They are taking up this bill because the $20 billion in punitive SNAP cuts they failed to pass earlier this year was not enough for the

majority. They do not only cut $20 billion—$20 billion, $20,000 million—$20 billion in cuts, when the average family gets $4.45 per day. Cutting $20 billion was bad enough. That was not good enough for those Members of the House of Representatives who want to see cuts twice as big. Many of those Members of the House of Representatives—or at least some of them—are farmers themselves who get huge farm subsidies. It begs the issue a little bit.

For some of my colleagues who have seen the movie ''Lincoln,'' at one point, President Lincoln—listening, but perhaps not entirely hearing his staff, who exhorted him to spend more time in the White House, winning the war, freeing the slaves, preserving the Union—President Lincoln said: I need to go out and get my public opinion baths.

Well, I suggest that maybe more of us—those particularly who are voting to cut SNAP, to cut food stamps $40 billion—they may want to go out and listen to what people—not dressed like this, not working around here who get good benefits and decent salaries, not highly paid Congressmen and Senators, not the lobbyists who they may brunch with on Sunday when those Members do not go back home—but go out and talk to somebody at a labor union hall, go out and talk to somebody in a shopping mall, go out and talk to somebody at a school, where children—I heard a story today at my weekly coffee, where a woman told us that her daughter, who teaches in Columbus, has seen during the school lunch program children take some of the food and put it in their pockets so they can take it home for their brothers and sisters or for the weekend or for their moms or dads.

In this still difficult economy—when people receive $4.45 per day, on the average, for SNAP, for food stamps—people in the House of Representatives want to cut it nearly $40 billion.

It was not enough that 2 million Americans could lose SNAP benefits. It was not enough to them in the first bill that more than 200,000 children could lose access to the free and reduced-price lunch program. They want to make it harder, and they can say whatever they want. They can say: Well, people—I don't know. Do they get addicted to food stamps? Do they dig food stamps because they don't want to work?

The fact is, as Chairwoman STABENOW points out, the chair of the Agriculture Committee, in the next 10 years, 14 million Americans will leave SNAP. Why is that? If we do not do this, why will 14 million people leave SNAP? Because they will get better-paying jobs because they do not want to be in SNAP. Most people who get stamps would rather not. They would rather have enough food on the table. They would rather have enough purchasing power to go to the grocery store and buy food with their own money that they have earned so they can bring that food home and serve their children. That is what most people want to do.

I spoke to a woman in Hamilton, OH, some time ago who told me that early in the month she would occasionally take her 9-year-old son to McDonald's or to another fast food restaurant—maybe once in the first week of the month.

The second week, she could maybe serve him a hamburger, she could serve him meat. The third week of the month, she began to scrape. This is a woman who had a full-time job, volunteered, taught Sunday School, volunteered with the Cub Scouts for her son, was a very devoted single mother. The fourth week of the month, what typically happened was—she looked at me with her blues and she said: You know, I say to my son—I was sitting there with my son that last week of the month.

He said: Mom, how come you are not eating?

She said: Well, I am just not hungry.

Well, she was hungry; she just had to choose at the end of the month, does the money go for my son or does it go for me? Like most mothers and fathers, she chose to do it for her child. That is the backdrop.

If more of my colleagues would follow the admonition of Abraham Lincoln and go out and get a public opinion bath and listen to what real people are saying—not people who dress like this, not people who sit in Congress, not lobbyists who may buy them lunch and come to their fundraisers, but really listen to what people have to say about what this means and understand, as Presiding Officer knows from the work he has done in his State of Connecticut, that most of the people getting benefits are children. Eighty-five percent of people receiving food assistance are children or their parents or people with disabilities or seniors. Many of them have jobs, but their jobs pay $9 an hour. Again, this is not something they do by choice in a great majority of cases; it is something they feel they have to do. They are mothers and fathers who get up in the morning and try to give their children a better future. These are millions of Americans who head out every day looking for work so they can pay their bills and put food on the table.

As I said, almost 90 percent—80-some percent of SNAP households are made up of seniors and the disabled and families with children. One out of six Americans worries about where their next meal is coming from—one out of six Americans. How many people in this body have ever really thought that way, have talked to people that way, have tried to put themselves in the place of the—that is 50, 60, 70 percent of Americans—one out of six who worries about where their next meal will come from.

Then we have the body down the hall, the House of Representatives, who voted—$20 billion in cuts is not enough; let's do $40 billion. Maybe we will do more than that.

My colleagues in the Congress suggest that SNAP participation has grown too big. They bemoan the state of our economy, the still-too-high unemployment rate. We all do. I share that concern. But we must do more to help jump-start our economy. I will work with anyone who seeks to do so. We know how important these benefits are to our brothers and sisters from Cleveland to Cincinnati, from rural Appalachia to farmlands in western Ohio, all across this country. It is important that we stand strong. We need a farm bill. We need a farm bill that serves agriculture. We need a farm bill that serves rural development. We need a farm bill that serves conservation and the environment. We need a farm bill that helps us provide energy. We need a farm bill that provides nutrition assistance.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 59

Mr. REID. Mr. President, I ask unanimous consent that when the Senate receives H.J. Res. 59 from the House, the measure be placed on the calendar with a motion to proceed not in order until Monday, September 23.

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

RESPONSIBLE HELIUM ADMINISTRATION AND STORAGE ACT

The PRESIDING OFFICER. Under the previous order, the energy committee is discharged from further consideration of H.R. 527 and the Senate will proceed to the immediate consideration of the bill, which the clerk will report by title.

The bill clerk read as follows:

A bill (H.R. 527) to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes.

AMENDMENT NO. 1960

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. Under the previous order, the substitute amendment, No. 1960, is agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. Under the previous order, there will be 15 minutes of debate equally divided between the Senator from Oregon, Mr. WYDEN, and the Senator from Texas, Mr. CRUZ, or their designees.

The Senator from Oregon.

Mr. WYDEN. Mr. President, as I said this morning, Washington, DC, seems to have an inexhaustible capacity to manufacture false crises. I am here to say that this is not one of them. If the Congress does not act immediately to pass the legislation Senator MURKOWSKI and I advance today, scores of

American manufacturing and technology companies employing millions of American workers are going to find it impossible to continue their current operations.

Our government got involved with helium after World War I because the defense sector needed it. Ever since, President after President and Congress after Congress has tried to come up with a policy that gets government out of the helium business while still meeting the needs of our middle-class workers, our businesses, and our taxpayers.

Senator MURKOWSKI and I are here to say that our bipartisan bill does that. The reality also is that it raises some revenue. With that revenue, we will be able to meet—we talked about it in the committee—ongoing needs, particularly for folks hurting in rural communities where the Federal Government owns most of the land. They are concerned about their schools and their police and their roads. And because of the good work by colleagues on the other side of the aisle—particularly Senators RISCH and FLAKE—we were able to secure an additional $51 million to pay down the deficit.

We have 7 minutes on each side. I know colleagues are anxious to vote. I yield time to Senator MURKOWSKI. I thank Senator CRUZ for his courtesy in this matter. I would yield to Senator MURKOWSKI. I would urge all colleagues on both sides of the aisle to support this legislation that came out of our committee unanimously.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, thanks to the chairman of our energy committee, we have been working on this legislation for some time now—a couple of years. As the chairman has noted, what we are doing with the reauthorization of this Helium Program is we are getting the government out of the business of helium. We are on our way to completing a process that has been underway effectively in Congress since 1996.

We have an opportunity today to do the right thing, but we also have a very clear opportunity to make sure that we do not have a helium crisis, that we do not see a disruption in supply. That is effectively what could happen if we here in the Senate do not act quickly and work with the House to get this resolved before an October 1 deadline. So that is the imperative to take this vote this afternoon and move it across the line so we can conclude our business as it relates to the Helium Program. This is significant. It is important. We have a chance to make a difference. We can prevent a massive disruption to the helium supply chain.

We recognize that when we are talking about helium, it is not just party balloons; we are truly talking about an impact on our high-tech sector, our manufacturing sector, so many sectors of our economy that are reliant and dependent on helium. We should also finish the business we started back in 1996—fully privatize the helium business so that the government is out of the way. Truly, what we are doing is making sure helium supplies are determined by market forces.

As the chairman has noted, we need to address other priorities here in the Congress. We have done that with the revenues and the distribution that the chairman has outlined and that I have outlined previously here on the floor, and at the same time we have seen fit to direct a good portion of revenues toward deficit reduction. These are good, responsible decisions.

Our legislation here in the Senate differs from what our counterparts in the House have done. We end the government's intervention or activities within the helium business. We have a thoughtful glidepath out.

It is legislation that is not only thoughtful, it is bipartisan. It moved through the energy committee unanimously. I am pleased to be able to stand here today with the chairman of the energy committee urging colleagues to support this critically important legislation.

Mr. ENZI. Mr. President. I rise today in support of H.R. 527, the Helium Stewardship Act, as amended by the Wyden substitute. This bill is very important to protecting the U.S. supply of helium. Helium is used in MRI scanners, superconductors, and has many other very important uses. For example, helium is even used to test mechanical heart valves to make sure they don't leak.

Helium also has important security implications. It is used by DoD, NASA, and other agencies. The bill helps those efforts by extending the authority of the Secretary of the Interior to sell helium from the Federal Helium Reserve.

The bill also includes important reforms such as provisions ensuring that the Secretary sells helium at market prices, and most importantly, it gets the Federal Government out of the helium business once and for all.

The bill would also reduce the Federal debt and deficit by $51 million. The bill has bipartisan support. In June, the Energy Committee voted to report the helium bill by voice vote. The Senate should pass this bill as soon as possible so we have an opportunity to negotiate with the House.

I understand that some of my colleagues had some concerns with the bill. I appreciate them giving me the opportunity to speak with them before the vote about those concerns. I also thank my colleagues for agreeing to allow this bill to come to a vote. While I do not support every item in the bill, I believe it is a critical piece of legislation that needs to be passed.

Mr. SCHUMER. Mr. President, I rise in support of the substitute amendment to H.R. 527, the Responsible Helium Administration and Stewardship Act, which would reauthorize the Federal Helium Reserve and extend its operation for commercial sales. This bill prevents a severe disruption to the Nation's helium supply which threatens critical industries, hospitals, national security, and scientific research.

I would like to thank Chairman WYDEN, Ranking Member MURKOWSKI, and their staffs for excellent work on this bill, which would ensure continued access to helium so that New York hospitals, our successful chip industry, and other high-tech companies will not go over the helium cliff, while making critical reforms to the sale process and reducing the deficit. Passage of this bill will prevent shortages for businesses and hospitals as well as skyrocketing prices that would have resulted from closure of the Federal Helium Reserve on October 7.

Helium's unique physical and chemical properties have made it critical to the manufacturing of a broad range of technologies from aerospace to semiconductors, medical devices, and fiber optics. It is also widely used in medical research, cutting-edge science, and hospital care. Helium is also essential to our national security, as the Department of Defense relies on it for a range of weapons systems and intelligence applications.

Here is just a sampling of how critical helium is.

MRI scanners at hospitals use helium to cool powerful magnets. Without helium, $2 million machines couldn't be operated without risk of damage.

Semiconductors cannot be made without helium, which serves as an essential coolant during the manufacturing process. Semiconductors are the core of all electronics embedded in cars, computers, health devices, weapons systems, nuclear reactors, et cetera. A robust supply of helium allows American semiconductor manufacturers, like GlobalFoundries and IBM, to create good-paying, high-tech jobs in upstate New York.

The production of optical fiber—the backbone of all telecom infrastructure—uses helium to prevent impurities.

The Department of Defense uses significant quantities of helium as part of the guidance correction systems for air-to-air missiles used by our military. It also relies on it for surveillance of combat terrain, helping protect our troops.

Our DOE National Laboratories, such as Brookhaven National Laboratory in my State, relies on helium for cutting—edge science.

Failure to act would hurt our economic competitiveness, cause job losses, and harm our national security when we can least afford it.

If we don't reauthorize the Reserve, we would have to get helium from one of two places: Russia or the Middle East, the only other regions in the world producing it.

I strongly urge my colleagues in the Senate to support this important legislation and I look forward to its swift passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. I thank my colleague from Alaska for all of her work. We await our colleague from Texas who would like to speak.

How much time remains on our side?

The PRESIDING OFFICER. There is 2½ minutes.

Mr. WYDEN. Let me yield 1 minute at this time to our friend who in the House had begun working on this literally years ago. I thank the Senator from Massachusetts for all of his efforts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, I thank the Senator from Oregon. This bill is something that shows we can work across the lines of politics in this institution.

I began this bill with DOC HASTINGS, a Republican from Washington State, in the House of Representatives a year ago. It passed over there. Now it is over here in the Senate, and the same kind of bipartisanship is working to pass this critical bill which is central for companies like Siemens, Philips, and GE just in Massachusetts that support thousands of jobs in the high-tech sector.

There was a shutdown that was looming, but it was a shutdown in the helium industry. This is one shutdown that we are going to make sure does not happen. I thank the chairman for making this possible because it took a lot of leadership to make sure that House bill, the Hastings-Markey bill, is now over here, and it has been solved in a way that every Member should feel very comfortable voting yes for because it really is going to solve a big problem that was going to hit our high-tech industry in the United States.

Mr. WYDEN. Mr. President, I believe we have 1½ minutes left. Let's go to Senator CRUZ, and then hopefully we can vote.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CRUZ. Mr. President, I am going to be brief and not take my entire time. I think the underlying extension and reform of the Helium Program in this bill is a good provision. It maintains the program. Helium is critical for our businesses, for our industry, for our high-tech community. So I salute the Senator from Oregon and the Senator from Alaska for working together.

As written, the Senate bill raises $500 million over 10 years in new revenue. The House bill took the revenue raised by this program and put it to deficit reduction and reducing our debt. The Senate bill—I think unfortunately—instead of using the revenue for deficit reduction, uses $400 of the $500 million for new spending.

I raised internally an objection and asked my colleagues if they would consider reducing spending in other parts of the budget to balance it given that we have nearly a $17 trillion national debt. I think the more fiscally responsible thing to do, if we have $500 million in new revenue, is to use it to pay down the deficit and the debt.

We have worked together in a bipartisan way to allow this to come to a vote. I thank the Senator from Oregon for agreeing to do that. I intend to vote no, but I am hopeful that in conference committee perhaps the House and Senate can work together to take care of the important concerns with the Helium Program but at the same time demonstrate some additional fiscal responsibility, which I think would be a win-win for everyone.

Mr. WYDEN. Mr. President, we have a minute and a half. I will be very brief. I thank the Senator from Texas for his courtesy.

The bottom line is that the House bill, which the Senator is calling for, does not get the government out of the helium business. That is the single most important distinction. We are reaching out to all those hard-hit middle-class workers in aerospace and tech and a whole host of industries. We are doing it in a way that protects taxpayers. It gets the government out of the helium business.

This legislation passed the Energy and Natural Resources Committee unanimously. I urge my colleagues to vote yes.

I ask unanimous consent that all time be yielded back and the Senate now proceed to vote on the passage of the bill, as amended.

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

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. WYDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

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

The result was announced—yeas 97, nays 2, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—97

Alexander	Casey	Flake
Ayotte	Chambliss	Franken
Baldwin	Chiesa	Gillibrand
Barrasso	Coats	Graham
Baucus	Coburn	Grassley
Begich	Cochran	Hagan
Bennet	Collins	Harkin
Blumenthal	Coons	Hatch
Blunt	Corker	Heinrich
Boozman	Cornyn	Heitkamp
Boxer	Crapo	Heller
Brown	Donnelly	Hirono
Burr	Durbin	Hoeven
Cantwell	Enzi	Inhofe
Cardin	Feinstein	Isakson
Carper	Fischer	Johanns
Johnson (SD)	Mikulski	Scott
Johnson (WI)	Moran	Shaheen
Kaine	Murkowski	Shelby
King	Murphy	Stabenow
Kirk	Murray	Tester
Klobuchar	Nelson	Thune
Landrieu	Paul	Toomey
Leahy	Portman	Udall (CO)
Lee	Pryor	Udall (NM)
Levin	Reed	Vitter
Manchin	Reid	Warner
Markey	Risch	Warren
McCain	Roberts	Whitehouse
McCaskill	Rockefeller	Wicker
McConnell	Sanders	Wyden
Menendez	Schatz	
Merkley	Schumer	

NAYS—2

Cruz
Sessions

NOT VOTING—1

Rubio

The bill (H.R. 527), as amended, was passed.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Madam President, I ask unanimous consent that the Senate be in a period of morning business until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

EMISSION STANDARDS

Mr. DONNELLY. Madam President, I am here today with my colleague from Missouri, Senator BLUNT, to talk about our efforts to bring some common sense to the EPA's emission standards.

It is my firm belief that we can establish emission standards that protect our environment without hurting our economy and without hurting the pocketbooks of families in Indiana and across the country.

When the EPA released draft standards in 2012 that would regulate greenhouse gas emissions from powerplants, it was clear that the administration's standards far exceeded the level of carbon reductions that would be available using existing technology. They also failed to acknowledge that different fuel types pose different challenges when trying to reduce emissions.

If we don't address these standards in a commonsense way, the affordable, reliable energy that Hoosier families and businesses depend on will be in doubt. It is absolutely critical that the EPA understand the impact of these standards and the price their proposed regulation would ask Hoosiers to pay.

Our amendment urges the EPA to use common sense when putting together emission regulations by ensuring that efforts to regulate carbon dioxide emissions are realistic about existing technology and do not negatively impact our economy.

Our amendment states that if the EPA puts together regulations to control carbon dioxide emissions from an industrial source, the EPA must develop the regulations using emission

rates based on the efficiencies achievable using existing technology that is commercially available. ''Commercially available'' is defined as any technology with proven test results in an industrial setting. It also must be subcategorized by fuel type. Different fuel types must have different emission rates to be reflective of what is realistic for fuel producers using all available technologies.

Our amendment develops an NSPS for carbon dioxide emissions to protect our environment while also ensuring that the regulations do not excessively burden Hoosier families and businesses that rely on affordable power. The EPA is scheduled to release its updated standards tomorrow. I urge them to make sure that any NSPS regulation is something that reflects existing technology. We must prevent anything that would jeopardize the affordable, reliable energy that allows many Hoosier families—and families and businesses across our country—to make ends meet.

Again, I thank my friend Senator BLUNT for working with me on this issue.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Madam President, I am pleased to work on this with Senator DONNELLY. This is an amendment which, as he said, requires that we categorize fuel types and that we say what works for various types of fuel as opposed to setting some standard that makes it impossible for other resources we have to be used. It says that the technology has to be commercially available.

We had the Acting EPA Director before the Appropriations Committee earlier this year. I asked the Acting Director: The rule that you are talking about, is this technology available? Can somebody go out and buy this? And the response was something like: Well, parts of it are out there, but nobody has ever quite put it together yet—which, of course, meant that the rule, for the first time ever, set a standard that couldn't possibly be reached.

In States such as ours, Missouri and Indiana, where Senator DONNELLY and I are from, we are more than 80 percent dependent on coal. Some of our constituents are 100 percent dependent on coal. If you do things that raise their utility bills, families know it and their community knows it.

This amendment simply would force the EPA to use common sense when setting standards for any facility. The new source performance standards, based upon emission limits for powerplants, for refineries, for manufacturing facilities, for whatever else they can cover, simply don't meet that commonsense standard. In fact, last March when the proposed rule went out, there were more than 2 million comments. You have to work pretty hard to find this rule, and you have to really be dedicated to read it, and 2 million comments said this won't work. It is so obvious that it won't work.

The rule said that if someone wants to build a coal plant, they have to install carbon capture technology, which according to the rule would add 80 percent to the cost of electricity. It would overstate it a little bit initially, but not very far in the future—if you get your utility bill and multiply it by two, you will be pretty close to what your utility bill would be if the proponents of this rule—if what they say will happen is what happens. What happens if you double the utility bill? How many jobs go away? How many families find themselves in stress?

When cap and trade failed, the President—who had said earlier that under his cap-and-trade plan electricity rates would necessarily skyrocket—when it failed, the President said that was only one way of skinning the cat. Obviously, the EPA is looking for the second way to skin this cat and to impact families. It would make it expensive to do what can be otherwise done in the country. Businesses and households would need to make a decision about that.

What we need to be doing is looking to use all of our resources in the best possible way. More American energy is critical, and we ought to be doing everything we can to see how we produce more American energy, a more certain supply, easier to transition from one fuel to another, not harder, not putting one electric plant out of business and requiring that you build an entire new electric plant. Do you know how you pay for an electric plant? Somebody gives you the authority to pass all that cost along to the people who are served by it. There is no free electricity out there. It makes a real difference.

The most vulnerable families among us are the ones who are most impacted by the higher utility bill. The Bureau of Labor Statistics said that nearly 40 million American households earn less than $30,000 a year, and those households spend almost 20 percent of their income on energy. Do you want to make that 30 percent or 40 percent? Surely that is not the answer for vulnerable families.

If you read the press reports today, the EPA will come out with a rule tomorrow. I hope this amendment becomes part of the law that would make that rule, frankly, make common sense.

The American people want the administration to stop picking winners and losers through regulatory policies. If the Congress wants to have that debate and change the law and do that in the open, that is one way to do it, but I think we all know that American consumers have figured out where this road takes their family, and they don't want to go there.

So I urge support for the amendment Senator DONNELLY and I are working on—common sense and real cost-benefit analysis. New standards that work are essential, not new standards that you know won't work. I am glad to be a cosponsor of this amendment and urge my colleagues to join Senator DONNELLY and me if we get a chance to vote on it as part of this bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. WARREN). Without objection, it is so ordered.

The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

(The remarks of Mr. LEVIN pertaining to the introduction of S. 1533 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEAHY. Madam President, are we in morning business?

The PRESIDING OFFICER. Yes, the Senate is in morning business.

TRIBUTE TO WILL GOODMAN

Mr. LEAHY. Madam President, as many of my current and even former staff can tell you, I am fond of saying that I, like other Senators, am merely a constitutional impediment to my staff. But I don't mind being just a constitutional impediment. Mine is one of the finest staffs on Capitol Hill.

Tomorrow my office will say goodbye to Will Goodman, one of the finest. He is going to be leaving for a challenging new opportunity. Will joined my staff in January of 2010 as a legislative fellow from the Office of the Secretary of Defense. We barely got him to his desk and he had to jump right in with both feet and hit the ground running. He was a valuable member of my legislative team, working on that year's debate over the repeal of ''Don't Ask, Don't Tell,'' and the ratification of the New START treaty. Importantly, Will was a trusted staffer, a willing ear, and a source of support as the Vermont National Guard prepared to deploy for Afghanistan.

When his fellowship ended, I was pleased when Will accepted my offer to become my senior defense adviser. In that role, he was instrumental in helping to pass the National Guard Empowerment Act, one of my longtime legislative priorities. Will has been a go-to aid for many Members and their staffs, particularly for the more than 80 Members of both parties of the Senate National Guard Caucus, which I am proud to cochair.

I know that Vermonters appreciate Will's steadfast commitment to the State, to the many veterans who live there, to the Vermont National Guard, and to our State's economic development. He has always been eager to help and has always been a fierce advocate for Vermonters.

After nearly four decades in the Senate, I have had dozens of staffers come

and go, but we like to think they always remain part of what we call the Leahy Family.

Will's own family is growing. He and his wife Marisha and their wonderful son Mark await the arrival of their newest member early next year, though Marcus—as we call him—will be the Big Brother. As his family grows, he is always going to be part of ours.

Marcelle and I wish Will the best.

I yield the floor and 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. MURPHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HEALTH CARE

Mr. MURPHY. Mr. President, I read the papers down here and across the country. It makes it look as if the issue of whether we are going to move forward with the implementation of the health care bill passed a few years ago is just about politics. It is just a political football that is being tossed back and forth between the two sides.

While the threats are empty, there is no way we are going to pass a continuing resolution that is not going to include funding of this vital health care law, it still gets an enormous amount of play out there. I think it is important for us to come down to the floor and explain to the American people that this issue is not political, that the health care law is not just a piece of paper.

The health care law is a lifeline to millions of families out there across America who have been absolutely drowning in health care costs and an inability to access the system over the past several decades. We did not pass this law to score political points. We did not do it to make ourselves feel good. We did it because we saw almost immeasurable human suffering out on the streets of America to which this place needed to respond.

It is not OK that in the most affluent, most powerful country in the world, about 15 percent of our society has the potential to go to bed sick every night simply because they cannot afford to see a doctor. It is certainly not OK that 50 percent of the bankruptcies in this country historically have been caused by the misfortune of an individual or a family member to get sick.

So I think it is time that when we talk about the implementation of the health care law, ObamaCare, whatever you want to call it, we are talking about consequences that are not political. They are consequences related to life or death.

That is not hyperbole. There are people out there every week dying because they do not have access to our Nation's health care system which, if you can find it, is and can be the best health care system in the world.

The problem is there are far too many people who have no insurance and no way to access it or who are vastly underinsured and cannot get the right access to it. So I just want to talk for a minute about what this is going to mean to our constituents, to your neighbors, and what it would mean if, by some miracle of politics, the tea party gets its way and this bill was no longer the law of the land come next month.

Let me tell you what it already means for a senior citizen who is living on $20,000 a year in New Britain, CT. Today, that senior citizen gets to walk in to their doctor to get a wellness visit. They do not have to pay anything out of pocket any longer. Previously they did. You would think that is not a lot of money. But for someone in Connecticut who is living on a fixed income or somebody in Delaware who is taking home a pretty meager Social Security check every month, the costs escalate when you are just trying to pay your rent or your mortgage, put food on the table, be able to put gas in your car to get back and forth to see your grandkids.

That extra expense of having to pay for preventive costs can actually make a difference.

For those seniors who have pretty high drug costs, one of the worst things this Congress did over the last 10 years was pass a prescription drug bill that had this doughnut hole sitting in the middle of it. If you paid for a bunch of drugs through the Medicare benefit, eventually you would have to start paying out of your own pocket. That could be thousands of dollars that senior citizens don't have.

This health care bill closes the doughnut hole, eliminates half of it almost overnight and then essentially eliminates it over time. That is thousands of dollars in savings for seniors. That is medication that, frankly, a lot of seniors would never have been able to buy but they will now be able to access because of this law.

Those things go away if Republicans get their way and ObamaCare is defunded. All of a sudden, if that happens, tomorrow senior citizens have to pay out of pocket for preventive costs. Seniors who have high drug costs all of a sudden have to go back to paying 100 percent of the cost of generics versus 50 percent, which is what they are paying now.

What about the average family of four who today in Connecticut is paying about $605 a month for health care? Probably the health care plan is not that good to begin with. It probably has some significant holes in it in terms of what it will cover.

If this health care bill is implemented, which it will be, that number goes down from $605 a month to $286 a month for the average family of four in Connecticut.

Let me tell you, the average family of four in Connecticut living in Stamford, Bridgeport, Norwalk, or Norwich, could use that extra $300 in savings to help save for college, to help put a bit more nutritious meal on the table, maybe to pay some back credit card bills. Three hundred dollars is a big deal. That is the big difference this health care bill will make, $605 a month down to $286 in Connecticut. It is a big difference. It is an even bigger difference because the health care plan they are going to get for $286 a month is going to be a good one.

We are going to finally have some standardization when it comes to the benefits you are getting. When you buy the health care plan in Connecticut or wherever you are, you are going to know what you are getting. There is going to be a minimum set of benefits that is going to be covered. You are going to be able to know that when you buy insurance you are getting ambulatory patient services, coverage for hospitalization, coverage for maternity and newborn care, your prescription drugs are covered, lab services, and rehab benefits. Every plan is going to be able to cover these things, but not if the health care law were magically repealed.

All of a sudden people who were counting on that number going from $600 to $300 in Connecticut will be paying $600, probably $700, $800, and they will continue to have to deal with a dizzying array of benefit packages, many of which simply don't measure up to what families need.

What about for Betty Berger? What does this mean for her? She is a constituent of mine in Meriden. She doesn't want anyone to ever have to go through what she went through. She and her husband had health care coverage for themselves and their kids through her husband's plan. Her husband switched jobs. In the week of time between when he was at his first job and his second job, their son was diagnosed with cancer. Her husband's second job identified it as a preexisting condition and effectively refused to cover the son.

The Bergers lost everything. They lost their house, they lost their car, they lost their savings simply because their son was diagnosed with cancer during the 1 week in which the husband wasn't employed. That will never, ever happen again after this bill is implemented. No insurance plan regulated under this bill can deny a family access for health care simply because one of their family members is sick. It is unconscionable that ever happened in this country, and it will not happen again if this bill is implemented. But if the Republicans get what they want and this bill is defunded, if this bill is repealed in that magical fantasy world, the example of the Bergers happens hundreds of thousands of times over across the country.

Lastly, what about the McCullough family, another family in Connecticut?

Little Kyle McCullough, when I first met him, was 8. He is probably now 10 or 11 years old. He has a very complicated disease for which he has to take $3,000 injections. He will hit his lifetime limit in a matter of years and his family will be on the hook for every expense thereafter. The health care bill says no more annual, no more lifetime limits for health care coverage. You could have health care insurance that is going to take care of little Kyle McCullough for as long as he needs those injections, at whatever cost it is going to be.

It is insurance. Because for people who have a bad lot in life and have a big, complicated, expensive, illness they are going to be covered. If the health care bill is repealed, defunded, or whatever Republicans want to do, Kyle McCullough's family has to pay for that out of pocket for the rest of their life, as will thousands of other families like them.

That is what the stakes are. It is not a piece of paper. It is not a political football. It is life and death. It is hundreds, if not thousands, of dollars that hard-working families throughout this country desperately need and a health care system they need to be much more fair and much more compassionate.

It is not going to happen. It is political fantasy that Republicans are going to be able to defund or repeal the health care law as a consequence of the budget debates we are going to have over the next few weeks.

Let's be honest about what they are asking. They are asking for higher costs for seniors; they are asking for higher costs for middle-class families; they are asking for more bankruptcies; and they are asking for more misery for the thousands of families who are struggling to keep their heads above water when they deal with a complicated illness. That is the true reality of what is happening out there today in our health care system that is getting better by the day and will get even better if we move forward with the implementation of the health care law.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IMMIGRATION

Mr. SESSIONS. Mr. President, we continue to see that special interest groups remain undaunted in their efforts to ram through an immigration bill that will do real damage to the wages and job prospects of working Americans. That is just a plain fact. Consider the economic situation we find ourselves in now. Inflation-adjusted wages—that is the way to compare wages correctly over time—are lower today than they were in 1999. This is a steady decline. Actually, new numbers indicate they are lower than they have been since 1995. Working Americans are not having their wages go up. Their wages are going down. Median household income is lower today—median income, which is the best way to account for how families are doing—than it has been every single year since 1989. The size of the workforce today has shrunk to a 35-year low. We have the lowest workplace participation since 1975, and a record number of Americans are on welfare, including almost one in six on food stamps.

But we still have this determination, it seems, by our masters of the universe—people who know so much better—that what we really need in America is more workers. I would contend it is quite plain—with high unemployment and low job prospects, declining workplace participation, and declining wages—that what we have a shortage of is not workers, but we have a shortage of jobs, and we need to put our people in those jobs. That is a very simple concept, and I think it is undisputable.

That is why I care about this issue, and I think we have to talk about it. What we are talking about, remember now, is not the end of immigration. We are not talking about anything like that. We are talking about maintaining the greatest immigration flow of any nation in the world—maybe in the history of the world—with 1.1 million a year, plus a very generous guest worker program, where people come in just to work. And we can support that, but this bill that passed the Senate would have doubled the number of guest workers and increased by at least 50 percent—over 1.5 million a year—those coming permanently, in addition to legalizing 11 million who entered unlawfully. I truly believe that cannot be sustained and that this is good for the vast majority of the American people.

What we are seeing routinely is the one interest that is being omitted in all of the debate is the interest of the average working American—the average citizen of this country who goes to work every day. Everybody else has their interest represented. Everybody else is raising money, putting ads on the television, spinning this and spinning that, but the average guy is getting hammered by this. It just is so.

Let me cite some of the things that are going on, and I will run through this because I think it is important for us to know. Here in Politico, September 17, it starts off saying:

> Nancy Pelosi is huddling with Facebook's Mark Zuckerberg, top labor leaders and former AOL leader Steve Case in separate meetings this week as supporters of immigration reform try to revive the issue.

After they got so badly hammered by the American people when it passed through the Senate, it is now dead on arrival in the House and they are trying to revive it.

The article goes on to state:

> House Republicans bristled when a group of Senators met with outside groups supporting immigration reform and formulated a campaign-style strategy to target more than 100 House Republicans over the August recess.

To try to pound them into submission, I guess.

> Despite the blowback, Schumer, the so-called leader of the Gang of Eight—

The leader of the Gang of 8, to be frank

> continued to work the phones over the August recess with a clear message: Please get active on immigration and back reform in the Republican-led House.

The article says he reached out to all his allies to tell them to go forward. He said:

> We had a very good August. But I don't think it's dead by any stretch of the imagination.

Well, I think he does not want it dead and I think he is working hard to keep it alive, but somebody needs to make it clear to the American people that it is not dead and it could be revived. There are special interests out there, traditional Republican allies as well as strong Democratic and liberal activists who are pushing for this legislation.

Our friends say they want comprehensive immigration reform, but what does this phrase really mean? What does it really mean? Isn't that what we should ask? They want a large increase in future low-skilled immigration combined with immediate amnesty for those here illegally and a promise of enforcement in the future. And that promise was proven to be worthless.

The first legislation, which stayed on the floor for weeks and went through the committee, would only have reduced the illegal flow by about 25 percent. They promised it was the toughest bill in history, but the Congressional Budget Office—our independent analysis—proved it would have only minor impact on the illegality while doubling the number of guest workers, increasing substantially the number in terms of annual flow of immigrants who want to be here permanently, plus amnesty for the 11 million. Instead of what we would normally expect to legalize over 10 years—10 million—we would legalize 30 million under this bill. That is what they proposed here in the Senate. Well, I don't think this is good for America, and I don't think the American people want that to happen.

Notice that the one group not represented in all of this is U.S. citizens—the American people. In a recent interview, the President of the U.S. Chamber of Congress, Mr. Tom Donohue—a great American, and I know him and respect him—said this about what is going on, and people who are concerned about this issue need to pay attention because he is one of the driving forces. He is meeting with La Raza and meeting with the Democrats and Senator SCHUMER and meeting with others. He wants more workers, apparently.

Reading from BusinessReport.com:

An agreement between the national business lobby and the AFL–CIO was crucial to passing immigration reform in the Senate, says U.S. Chamber of Commerce President Thomas Donohue, who spoke today at a breakfast by BRAC. Unions are looking for new members, Donahue says, while businesses need both laborers and highly skilled workers.

This is a frank statement. I give Mr. Donahue credit. He lays it right out there. If you want to know the forces at work here, unions believe that if we legalize and bring in more people, they will have a better chance of adding union members.

Unions are looking for new members, Donahue says—

That is their interest. They have forgotten the interests of their workers, the ones who were working and whose average wages have declined and who are being laid off—

while businesses need both laborers and highly skilled workers.

We can bring in new workers under the current guest worker immigration program, and we can deal compassionately with people who have been here a long time. We can do that but not with the legislation that came out of the Senate.

Listen to this:

Donahue says the House doesn't need to pass a ''comprehensive reform,'' suggesting problems could be fixed with smaller bills. ''Take the whole thing, go to conference with the Senate, and we'll build a bill.''

Those of us who care about how legislation is crafted can feel the hair rise on the back of our necks when we hear this because this is exactly what they are trying to accomplish. They want the House to pass a bill or two to look like it is tough on enforcement, then go to conference and take the Senate bill, which is a total disaster, and build a bill that he likes, bring it back to the floor of both Chambers where no amendments can be offered, and ram it through, to some degree like the massive health care bill was rammed through. That is what they want to do.

I think the House needs to be careful about this. Once you go to conference, once you start meeting with these special groups—the Democrats want votes, union members want members, businesses want cheap labor, immigrant groups want to bring more and more. Where are the American people in this? Who is paying for these ads they run on television? Not the average guy. I don't know any average guy sending them money to run these ads. It is people who have a special interest in it.

Just a few days ago, a remarkable event happened. The human resource managers for some of the Nation's largest businesses groups—that is, the people in charge of hiring—sent a letter to House leaders claiming:

Many of our companies continue to have difficulty finding sufficient American workers to fill certain lesser-skilled positions. Thus, in addition to addressing the need for more highly skilled immigrants, we strongly support efforts to bolster the availability of a workforce at all skill levels. . . .

They originally tried to say this bill was designed to bring in more high-skilled workers and reduce the numbers of low-skilled workers because of our unemployment problems and other reasons, but they openly say they want all skills.

The question is, Are these businesses really suffering from a labor shortage? Byron York, an excellent writer—writing, I believe, in the Washington Examiner—looked at that question. This is what he found:

. . . at the same time the corporate officers seek higher numbers of immigrants, both low-skill and high-skill, many of their companies are laying off thousands of workers.

Isn't that something? Could that be true? Well, let's look at his article. Pretty damning, it seems to me. Remember, this letter I just read saying that they have to have more low-skilled workers from the human resource officials was analyzed by Mr. Byron York. He finds this:

The officials represent companies with a vast array of business interests: General Electric, The Walt Disney Company, Marriott International, Hilton Worldwide, Hyatt Hotels Corporation, McDonald's Corporation, The Wendy's Company, Coca-Cola, The Cheesecake Factory, Johnson & Johnson, Verizon Communications, Hewlett-Packard, General Mills, and many more. All want to see increases in immigration levels for low-skill as well as high-skill workers, in addition to a path to citizenship for the millions of immigrants currently in the U.S. illegally.

Well, what did Mr. York discover?

Of course, the U.S. unemployment rate is at 7.3 percent, with millions of American workers at all skill levels out of work, and millions more so discouraged that they have left the work force altogether. In addition, at the same time the corporate officers seek higher numbers of immigrants, both low-skill and high-skill, many of their companies are laying off thousands of workers.

They say they need more workers. How can it be they are laying off workers?

For example, Hewlett-Packard, whose Executive Vice President for Human Resources Tracy Keogh signed the letter, laid off 29,000 employees in 2012.

So they want more foreign workers and they just laid off 29,000 Americans? Oh, boy. That is a stunning number.

It goes on.

In August of this year, Cisco Systems, whose Senior Vice President and Chief Human Resources Officer Kathleen Weslock signed the letter, announced plans to lay off 4,000—in addition to the 8,000 cut in the last two years.

So they have laid off 12,000 people, and now they can't find people willing to work.

United Technologies, whose Senior Vice President of Human Resources and Organization Elizabeth B. Amato signed the letter, announced layoffs of 3,000 this year. American Express, whose Chief Human Resources Officer L. Kevin Cox signed the letter, cut 5,400 jobs this year.

Maybe they ought to try to give some of those jobs to people they laid off, many of whom probably worked for them for 20 years or more.

Proctor & Gamble, whose Chief Human Resources Officer Mark F. Biegger signed the letter, announced plans to cut 5,700 jobs in 2012.

This is really offensive to me, as I think it should be to all Americans. This is the kind of leadership we have in corporate America. They come in here and say they have to have workers, totally ignoring the fact that they are laying them off by the thousands. Maybe they find some who work cheaper. Maybe that is what the interest is.

Those are just a few of the layoffs at companies whose officials signed the letter. A few more: T-Mobile announced 2,250 layoffs in 2012. Archer-Daniels-Midland laid off 1,200. Texas Instruments, [laid off] nearly 2,000. Cigna, 1,300. Verizon sought to cut 1,700 jobs by buyouts and layoffs. Marriott announced ''hundreds'' of layoffs this year. International Paper has closed plants and laid off dozens.

I will note parenthetically that last week it was announced in Alabama that International Paper was closing a plant, and 1,100 people who had worked there 25 and 30 years will be out of work. The plant shuttered. But they signed the bill saying they need more workers.

And General Mills, in what the Minneapolis Star-Tribune called a ''rare mass layoff,'' laid off 850 people last year.

There are more still. . . . According to a recent Reuters report, U.S. employers announced 50,462 layoffs in August, up 34 percent from the previous month and up 57 percent from August 2012.

''It is difficult to understand how these companies can feel justified in demanding'' that we ram through an immigration bill doubling the number of workers, increasing dramatically the number of people who would be permanent residents of the United States, claiming they need workers, while these very same companies all signed letters. We are laying off thousands of workers. We have to be realistic.

Senator SCHUMER is meeting with business groups to pressure Republicans to join him in conference. But what do conservative thinkers have to say about Senator SCHUMER's plan? I will share a few comments—and there are many more—from intellectuals and writers, some conservative, some maybe not conservative.

The National Review wrote this:

By more than doubling the number of so-called guest workers admitted each year, the bill would help create a permanent underclass of foreign workers. . . . The creation of a large population of second-class workers is undesirable from the point of view of the American national interest, which should be our guiding force in this matter. . . . The United States is a nation with an economy, not an economy with a nation.

Bill Kristol of Fox News, the editor of the Weekly Standard, joined with Rich Lowry, the editor of the National Review, in an unusual joint editorial and went on to lay out deep concerns about the passage of this.

Passing any version of the Gang of Eight's bill would be worse public policy than passing nothing. House Republicans can do the country a service by putting a stake through its heart.

Victor Davis Hanson, who has written a book on immigration, is an excellent columnist in California.

The United States may be suffering the most persistent unemployment since the Great Depression. There may be an unemployment rate of over 15 percent in many small towns in the American Southwest.

American businesses may be flush with record amounts of cash, and farm prices may be at record levels. But we are still lectured that without cheap labor from south of the border, businesses simply cannot profit.

Peter Kirsanow, a member of the U.S. Commission on Civil Rights who has dealt with these issues for years and has had hearings on and tried to analyze the meaning and impact of these immigration flows, wrote this:

Recent history shows that a grant of legal status to illegal immigrants results in a further influx of illegal immigrants who will crowd out low-skilled workers from the workforce. . . . Before the federal government grants legal status to illegal immigrants, serious deliberations must be given to the effect such grant will have on the employment and earnings prospects of low-skilled Americans. History shows that granting such legal status is not without profound and substantial costs to American workers. Does Congress care?

Thomas Sowell, the great African-American writer, says this:

''Jobs that Americans will not do'' are in fact jobs at which not enough Americans will work at the current wage rate that some employers are offering. This is not an uncommon situation. That is why labor ''shortages'' lead to higher wage rates. . . . Virtually every kind of work Americans will not do is, in fact, work that Americans have done for generations.

Look, salaries do make a difference.

David Frum:

The United States is entering its sixth year of extraordinarily high unemployment. Twelve million Americans who want work cannot find it. Millions more have quit searching. Slack labor markets have depressed wages throughout the economy. . . . Yet however little workers earn, there is always somebody who wishes they earned less. And for those somebodies, the solution is: Import more cheap labor. But not just any cheap labor—cheap labor that cannot quit, that cannot accept a better offer, that cannot complain.

There is too much truth in that. I am concerned about it and I think Americans should be concerned about it. This is a bill that is antiworker.

President Obama has said recently that Republicans want to accelerate the gap, the wealth gap between the rich and the poor. That is not so. But his own White House has been the central entity driving—behind the scenes as much as they possibly can be because they do not want their fingerprints on it or they do not want it to be identified with the White House—but they have been the central entity pushing the bill. It will have a direct impact on the wages and employment status of millions of Americans, particularly low-income Americans who are the ones who had their wages decline the most.

Professor Borjas, at Harvard, himself a refugee, is the leading expert on wages. It has been documented. We have had a significant decline in wages over the last 30 years and a significant portion of that decline is directly related to the large flow of immigrant labor into America.

Of course, it has been accelerated by the illegality that is occurring in our country. I think we could sustain something like the current legal flow, but we need to end the present illegality, and we should not pass legislation that doubles the number that will be coming in.

Polls show overwhelmingly that the American people do not support a large increase in guest workers or low-skilled immigration. For instance, by a 3-to-1 margin, Americans earning under $30,000 support a decrease in legal immigration, not an increase, not a doubling of it. I am sure most do not have any idea that Congress is about to pass a law that would double the amount.

But the one group that has not been represented in this conversation has been the hard-working people of this country. All Americans, immigrants, millions who have come to our country, and the native-born alike will be hurt by an immigration plan that is guaranteed to reduce wages and permits even more lawlessness in the future.

What makes America unique is the special reverence we place in the rule of law and the special faith we place in the everyday citizen. Let's stay fast to those principles. Let's stand firm for those principles.

Let me say one more time: The heart of the American people on the question of immigration is good and decent. They have been misportrayed as opposing all immigration and that is not so. But they are concerned about the lawlessness. They believe a great nation, their nation, should have a lawful system of immigration and people ought not, by the millions, violate those laws. Congress and the Presidents have failed to respond to their legitimate requests, year after year, decade after decade.

It is time for that to end. We need a lawful system of immigration that serves our national interests that we can be proud of, that allows a number of people to come to this country, as many as we can. But we have to know they have a chance to get a good job, their children will have a chance to get a good job, and we are not displacing American workers who need jobs and a bit higher wage instead of a falling wage.

That is what this country ought to be about. It was not part of the bill that passed this Senate that is now waiting to go to the House. The House needs to be very careful when they move forward, if they move forward, with any legislation, that they do not go to a secret conference committee and include all kinds of provisions driven by the AFL–CIO and by the chamber of commerce and by La Raza and by Democratic politicians who wanted votes. They have to be sure that is not who is writing this bill because that is who has been writing it so far. It ought not to happen.

The openness with which the advocates of this bill have discussed what they are trying to do is rather remarkable. I hope it is a signal to our House Members to be alert, to do the right thing as they go forward in trying to move a bill that ends the illegality, that identifies what the right flow of immigrants into America is and creates a system that will actually work in a practical way in the future and will deal compassionately with people who have been here a long time and who have tried to otherwise be good citizens and do the right thing.

I yield the floor.

EASTSIDE FORESTRY

Mr. WYDEN. Mr. President, I rise today to acknowledge a success story that is unfolding in Oregon just this week. It is a success story about forestry, economic development, and collaboration. It is a success story about real jobs guaranteed today and into the future at a time when many rural communities are struggling.

In December 2009, I brought together representatives of the timber industry and conservationists, two groups that had been at odds with each other for years over Federal timber policy. These two factions reached an historic agreement that was referred to as ''the end of the timber wars.'' While this agreement never became law, the Forest Service embraced portions of it and helped pave the way for the 10-year stewardship contract on the Malheur National Forest, valued at $69 million, that was just awarded to a consortium of local companies.

This contract will be a major step in creating a healthier, more fire-resistant forest while providing millions of board feet of timber to a local mill; in other words, jobs in the woods and jobs in the mills. After that contract was announced, Ochoco Lumber, owners of the last remaining mill in Grant County, immediately announced that it will invest $2 million to $4 million in its plant. Ochoco Lumber's forward-thinking owner, John Shelk, has consistently sought to innovate and use technology to keep up with the changing timber landscape.

In partnership with Iron Triangle, another local timber company, Ochoco is poised to stay in the timber business, and keep those paychecks coming, for years to come.

These investments in healthy forests and innovative mills are having impacts throughout Grant County. Another partner in the consortium has announced that they have purchased an historic hotel in order to make sure that there is housing for the influx of workers that everyone knows are going to be coming.

This is economic development and job creation at the speed of light when

you consider the disproportionate suffering the rural communities felt during this recession.

It is because of stories like this that I introduced the Eastside bill this Congress, which just had a hearing at the end of July. The new bill includes some modifications from a previous bill to reflect the progress on the ground.

A healthy forest means a healthy economy and my legislation will provide the certainty to advance the vision laid out in the agreement. Advancing this legislation will mean more jobs, more harvested trees, and healthier forests.

So I stand today to congratulate Ochoco Lumber and Iron Triangle and to thank the U.S. Forest Service. They are the partners that contributed to this this success. My hope is that we can make this kind of success the norm for all rural communities.

TRIBUTE TO MARY DIETRICH

Ms COLLINS. Mr. President, I rise today to commemorate the distinguished public service of my chief of staff, Mary Dietrich, who will be retiring from the Senate after more than 26 years of public service. Mary's departure is not only a great loss to my office but also a loss to this Chamber and the many Senators and Congressional staff with whom she has worked throughout her years of dedicated service.

Mary is not someone who seeks the spotlight, but there is no question that she truly has made a difference. Day in and day out she has demonstrated her commitment to public service. Mary is always willing to accept a challenge head on: The greater the challenge that confronts her, the greater her tenacity and resolve become. In addition, her unparalleled understanding of the Senate is indicative of the deep appreciation and respect she has for this Chamber.

Her skills and talents have benefitted many Mainers as well. Mary worked with me on my successful effort to allow the heaviest trucks to drive on Federal highways in Maine. Previously, the heaviest trucks in Maine were diverted onto secondary roadways that ran through our crowded downtowns, past schools and homes, and over busy narrow streets. Because of this change in the law, both drivers and pedestrians in Maine are safer.

Mary also led my team to success in my efforts to require that all fresh fruits and vegetables, including fresh white potatoes, be allowed as part of the healthy lunches that are fed to our Nation's children in school cafeterias.

Prior to joining my staff, Mary already had an exceptional career in public service. Upon graduation from Miami University in Oxford, OH, Mary went to work for the U.S. General Accounting Office. At GAO, Mary managed numerous and extensive reviews, investigations, and audits of a wide range of government programs. It was at GAO that Mary developed a fierce reputation for rooting out waste, fraud, and abuse. In fact, this is what brought her to the U.S. Senate. After 10 years at GAO, Mary was detailed to work for former Senator Richard Lugar on the Senate Agriculture Committee. Mary was so well respected in this position that by the end of her detail, she had two full committee chairmen asking her to join their staffs.

In the end, Mary joined the staff of former Senator Ted Stevens on the Senate Appropriations Committee. While on the Appropriations Committee staff, Mary was known for her superior work and ability to handle complex and challenging matters. These talents enabled her to advance to very senior positions. In this role, she served as a liaison to a number of Senators past and present including Senators Arlen Specter, Mike DeWine, Sam Brownback, THAD COCHRAN, and myself. I was fortunate to have Mary serve as the minority clerk on the Financial Services and General Government Appropriations Subcommittee when I previously served as ranking member.

Similar to her accomplishments while serving as my chief of staff, Mary's accomplishments on the Appropriations Committee are too numerous to list in their entirety. Among them, however, include her work to increase funding to improve education for District of Columbia public school students, and a doubling of funding over a 5-year period for the National Institutes of Health.

Those who know Mary well know that one of her favorite actresses is Julie Andrews. Julie Andrews once said, ''Sometimes opportunities float right past your nose. Work hard, apply yourself and be ready. When an opportunity comes, you can grab it.'' When the chief of staff position became available in my office, asking Mary to lead my office was an obvious decision. There was no need for Mary to grab this opportunity. I could not think of a better person for the job. That was nearly 4 years ago, and I could not have asked for a more-trusted advisor.

Mary Dietrich has been the engine that keeps my staff moving. She has guided my staff with the same tact, wicked sense of humor, and sharp mind that defined all her years of public service. Her retirement from the Senate is a true loss, and she will be deeply missed.

NATIONAL POW/MIA RECOGNITION DAY

MAJOR LOUIS FULDA GUILLERMIN

Mr. CASEY. Mr. President, I rise to acknowledge the military service of a Pennsylvania constituent who paid the ultimate sacrifice for our Nation during the Vietnam War. Tomorrow, September 20, is National POW/MIA Recognition Day, so it is only fitting that I tell his story. After a 45-year absence, Maj. Louis Fulda Guillermin, U.S. Air Force, is finally returning home to Pennsylvania.

Louis Guillermin, the only child of the late Wister and Myrtle Booker Guillermin, was born on January 6, 1943, in West Chester, PA. Louis joined the Air Force after college and completed his pilot training at Lackland Air Force Base in San Antonio, TX. In addition, he received further training in radar and celestial navigation instruction at Connelly Air Force Base. Louis was commissioned as a second lieutenant and awarded his silver wings in April 1964.

During his second tour in South East Asia, Major Guillermin flew counterinsurgency missions as a navigator in an A–26A Invader aircraft for the 609th Air Commando Squadron. On April 28, 1968, at the age of 25, Major Guillermin's aircraft went down over Savannakhet Province, Laos. Louis would remain missing for many years and would achieve the rank of major while on missing-in-action status. Many years later, his aircraft was located, and on May 28, 2013, the Department of Defense positively identified his remains thanks to the efforts of the Joint Prisoners of War, Missing in Action Accounting Command.

Despite having been missing for all these years, Maj. Louis F. Guillermin was never forgotten. The Vietnam Veterans of America, Chapter 436, of Chester County, PA, adopted his name for their chapter. Now, Louis will be laid to rest on October 5, and on behalf of the Commonwealth of Pennsylvania and the Nation, I would like to welcome him home.

I share the story of Major Guillermin not only because the formal recognition of his sacrifice is long overdue, but also as a reminder that there are many others that remain missing. An estimated 1,644 members of the Armed Forces remain unaccounted for from the Vietnam War. A total of 91 of those are from Pennsylvania. I would also like to mention that there are an estimated 83,000 total unaccounted for members of the Armed Forces since World War II. We as a nation have a responsibility to make every effort in accounting for the missing and providing this information to the loved ones and the communities who have experienced such a profound loss. May Major Guillermin, and all missing-in-action servicemembers who have passed on from this world, rest in eternal peace. You have more than earned your dignity and honor, as well as our reverence. You are not forgotten.

DONATOS PIZZERIA

Mr. PORTMAN. Mr. President, today I wish to recognize the 50th anniversary of Donatos Pizzeria, LLC, headquartered in Columbus, OH. In 1963, Jim Grote, then a college sophomore at The Ohio State University, opened the first Donatos Pizzeria on the south side of Columbus. Since then, Donatos Pizzeria has expanded to 200

restaurants in multiple States, and has employed generations of Ohioans.

Mr. Grote founded his business on three fundamentals: creating a superior product, hiring great people, and adhering to strong principles that promote goodwill in business and the community. These principles have made Donatos Pizzeria one of the most well respected pizza chains in the industry, and in the community. As part of its service to its communities, Donatos Pizzeria provides the opportunity for schools, churches, sports teams, and other social organizations to fundraise by purchasing its discounted pizza card, which can be sold to receive a 70% return toward their organization.

I extend my sincere congratulations to Donatos Pizzeria on 50 years of quality service throughout Ohio.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES E. WILLIAMS, LILLIAN CROOM WILLIAMS, AND MILTON WHARTON

● Mr. KIRK. Mr. President, I wish to support three Illinois citizens from East St. Louis who have made a lasting impact on their community. These leaders are the late James E. Williams, Sr., the first African-American mayor of the City of East St. Louis, his wife Lillian Croom Williams and Milton Wharton, a retired circuit court judge of the 20th Judicial Circuit of Illinois. It is my pleasure to honor their service and highlight their commitment to the city.

Besides his service as mayor, Mr. Williams also served as the school board president of District 189. He was well known for his accessibility and commitment to public service.

Mrs. Williams joined her husband in public service as both an educator and civic leader. Her advocacy for higher education and support for local police, firefighters and teachers are among her lasting contributions to the area.

Judge Wharton earned his law degree from DePaul University in 1975, and was appointed an associate judge for the St. Clair County Circuit Court in 1976. Twelve years later, he was elected as a full circuit judge for the 20th Judicial Circuit. He has received numerous awards and accolades and is an active Southern Illinois University Edwardsville alumni member.

These individuals will be honored this month by the Emma L. Wilson-King Foundation, which provides scholarships and other resources to local students. I join with the foundation in honoring Mr. and Mrs. Williams, Judge Wharton and their families for their important public service contributions.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

MESSAGE FROM THE HOUSE

At 1:11 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 bills, in which it requests the concurrence of the Senate:

H.R. 301. An act to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

H.R. 761. An act to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to the United States economic and national security and manufacturing competitiveness.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 301. An act to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia; to the Committee on Foreign Relations.

H.R. 761. An act to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness; to the Committee on Energy and Natural Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2959. A communication from the Chief of Staff, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Connect America Fund'' ((RIN3060–AF85) (DA 13–97)) received during adjournment of the Senate in the Office of the President of the Senate on August 29, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2960. A communication from the Program Analyst, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Assessment and Collection of Regulatory Fees for Fiscal Year 2013; Procedures for Assessment and Collection of Regulatory Fees; Assessment and Collection of Regulatory Fees for Fiscal Year 2008'' (FCC 13–110) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2961. A communication from the Chief of the Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1.80(b) of the Commission's Rules; Adjustment of Civil Monetary Penalties to Reflect Inflation'' (DA 13–1615) received during adjournment of the Senate in the Office of the President of the Senate on August 15, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2962. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery'' (RIN0648–BC21) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science , and Transportation.

EC–2963. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–BD47) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2964. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the South Atlantic States; Amendment 22; Correction'' (RIN0648–BA53) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2965. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure'' (RIN0648–XC783) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2966. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial Salmon Fisheries; Inseason Actions No. 6 through No. 11'' (RIN0648–XC738) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2967. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries'' (RIN0648–XC789) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2968. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Highly Migratory Species; 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan; Amendment 8'' (RIN0648–BC31) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2969. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC769) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2970. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XC757) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2971. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Thornyhead Rockfish in the Western Regulatory Area of the Gulf of Alaska'' (RIN0648–XC818) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2972. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Tilefish Fishery Management Plan; Regulatory Amendment, Corrections, and Clarifications'' (RIN0648–BC05) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science , and Transportation.

EC–2973. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Sapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 15'' (RIN0648–BC60) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2974. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''List of Fisheries for 2013'' (RIN0648–BC71) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2975. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Fisheries; 2013 Annual Catch Limits and Accountability Measures; Correcting Amendment'' (RIN0648–XC351) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2976. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 28'' (RIN0648–BC63) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2977. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 18'' (RIN0648–BD04) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2978. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands; Parrotfish Management Measures in St. Croix'' (RIN0648–BC20) received during adjournment of the Senate in the Office of the President of the Senate on August 20, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2979. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class B Airspace, Las Vegas, NV'' ((RIN2120–AA66) (Docket No. FAA–2012–0966)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2980. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace, Waco, TX, and Establishment of Class D Airspace; Waco, TSTC-Waco Airport, TX'' ((RIN2120–AA66) (Docket No. FAA–2013–0136)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2981. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Columbus, Rickenbacker International Airport, OH'' ((RIN2120–AA66) (Docket No. FAA–2013–0270)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2982. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace, Grand Forks AFB, ND'' ((RIN2120–AA66) (Docket No. FAA–2013–0261)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2983. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace, Bryant AAF, Anchorage, AK'' ((RIN2120–AA66) (Docket No. FAA–2012–0433)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2984. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Sparta, WI'' ((RIN2120–AA66) (Docket No. FAA–2013–0165)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2985. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and E Airspace, and Establishment of Class E Airspace; Oceana NAS, VA'' ((RIN2120–AA66) (Docket No. FAA–2013–0038)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2986. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D and Class E Airspace; San Marcos, TX'' ((RIN2120–AA66) (Docket No. FAA–2013–0273)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2987. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Salt Lake City, UT'' ((RIN2120–AA66) (Docket No. FAA–2012–1303)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2988. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Gustavus, AK'' ((RIN2120–AA66) (Docket No. FAA–2013–0282)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2989. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tri-Cities, TN'' ((RIN2120–AA66) (Docket No. FAA–2013–0609)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2990. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Mahnomen, MN'' ((RIN2120–AA66) (Docket No. FAA–2012–1283)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2991. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Tuba City, AZ'' ((RIN2120–AA66) (Docket No. FAA–2013–0147)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2992. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wagner, SD'' ((RIN2120–AA66) (Docket No. FAA–2013–0004)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2993. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Walker, MN'' ((RIN2120–AA66)

(Docket No. FAA–2013–0266)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2994. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Brigham City, UT'' ((RIN2120–AA66) (Docket No. FAA–2013–0414)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2995. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Commerce, TX'' ((RIN2120–AA66) (Docket No. FAA–2013–0269)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2996. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Mason, TX'' ((RIN2120–AA66) (Docket No. FAA–2012–1141)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2997. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Gruver, TX'' ((RIN2120–AA66) (Docket No. FAA–2011–1111)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2998. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Factoryville, PA'' ((RIN2120–AA66) (Docket No. FAA–2013–0345)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–2999. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Bedford, PA'' ((RIN2120–AA66) (Docket No. FAA–2013–0359)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3000. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (134); Amdt. No. 3546'' (RIN2120–AA65) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3001. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (109); Amdt. No. 3547'' (RIN2120–AA65) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3002. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (11); Amdt. No. 3545'' (RIN2120–AA65) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3003. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments (6); Amdt. No. 3544'' (RIN2120–AA65) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3004. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0297)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3005. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0447)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3006. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Aviation Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0669)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3007. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Gulfstream Aerospace LP'' ((RIN2120–AA64) (Docket No. FAA–2013–0093)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3008. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1156)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3009. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Various Restricted Category Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2010–0564)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3010. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0671)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3011. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–1158)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3012. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BRP-Powertrain GmbH and Co KG Rotax Reciprocating Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0263)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3013. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney Canada Corp. Turboprop Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0197)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3014. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–1285)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3015. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0209)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3016. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0216)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3017. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–1297)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3018. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0566))

received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3019. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Agusta S.p.A. and Bell Helicopter Textron Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0145)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3020. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1033)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3021. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0367)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3022. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0353)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3023. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Learjet Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0213)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3024. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0206)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3025. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0204)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3026. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0299)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3027. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Austro Engine GmbH Engines'' ((RIN2120–AA64) (Docket No. FAA–2013–0164)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3028. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Eurocopter France (Eurocopter) Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0638)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3029. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0623)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3030. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hartzell Propeller, Inc. Propellers'' ((RIN2120–AA64) (Docket No. FAA–2013–0130)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3031. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2013–0628)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3032. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2013–0639)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3033. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; CFM International, S.A. Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–1114)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3034. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1222)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3035. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules; Miscellaneous Amendments (4); Amdt. No. 508'' (RIN2120–AA63) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3036. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Seagoing Barges'' ((RIN1625–AC03) (Docket No. USCG–2011–0363)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3037. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas; Port of New York, NY'' ((RIN1625–AA00) (Docket No. USCG–2011–0563)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3038. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Double Hull Tanker Escorts on the Waters of Prince William Sound, Alaska'' ((RIN1625–AB96) (Docket No. USCG–2012–0975)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3039. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Vessel Traffic Service Updates, Including Establishment of Vessel Traffic Service Requirements for Port Arthur, Texas and Expansion of VTS Special Operating Area in Puget Sound'' ((RIN1625–AB81) (Docket No. USCG–2011–1024)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3040. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Taunton River, Fall River and Somerset, MA'' ((RIN1625–AA09) (Docket No. USCG–2013–0291)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3041. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation; Wolf River, Gills Landing and Winneconne, WI'' ((RIN1625–AA09) (Docket No. USCG–2013–0252)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3042. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area; Maine Kennebec Bridge Construction Zone, Kennebec River, Richmond, ME'' ((RIN1625–AA11) (Docket No. USCG–2013–0329)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3043. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulation, Cumberland River, Mile 157.0 to 159.0; Ashland City, TN'' ((RIN1625–AA08) (Docket No. USCG–2013–0718)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3044. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Areas, Security Zones: Dignitary Arrival/Departure and United Nations Meetings, New York, NY'' ((RIN1625–AA11; 1625–AA87) (Docket No. USCG–2012–0202)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3045. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''2012 Liquid Chemical Categorization Updates'' ((RIN1625–AB94) (Docket No. USCG–2013–0423)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3046. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket Nos. 13–24 and 03–123, Report and Order and Further Notice of Proposed Rulemaking'' (FCC 13–118) received during adjournment of the Senate in the Office of the President of the Senate on September 3, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3047. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials: Approval and Communication Requirements for the Safe Transportation of Air Bag Inflators, Air Bag Modules, and Seat-Belt Pretensioners (RRR)'' (RIN2137–AE62) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3048. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Unified Registration System'' (RIN2126–AA22) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3049. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Abbreviated Framework'' (RIN0648–BD10) received during adjournment of the Senate in the Office of the President of the Senate on September 5, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3050. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Trimester Closure for the Common Pool Fishery'' (RIN0648–XC782) received during adjournment of the Senate in the Office of the President of the Senate on September 5, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3051. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2013 Winter II Quota'' (RIN0648–XC749) received during adjournment of the Senate in the Office of the President of the Senate on September 5, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3052. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XC803) received during adjournment of the Senate in the Office of the President of the Senate on September 5, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3053. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XC771) received during adjournment of the Senate in the Office of the President of the Senate on September 5, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3054. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zones; Recurring Events in Captain of the Port Duluth Zone'' ((RIN1625–AA00) (Docket No. USCG–2013–0214)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3055. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; D–Day Conneaut, Lake Erie, Conneaut, OH'' ((RIN1625–AA00) (Docket No. USCG–2013–0648)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3056. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Thunder on the Niagara, Niagara River, North Tonawanda, NY'' ((RIN1625–AA00) (Docket No. USCG–2013–0701)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3057. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Motion Picture Production; Chicago, IL'' ((RIN1625–AA00) (Docket No. USCG–2013–0676)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3058. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Lake Erie Heritage Foundation, Battle of Lake Erie Reenactment; Lake Erie, Put-in-Bay, OH'' ((RIN1625–AA00) (Docket No. USCG–2013–0546)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3059. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Battle of Lake Erie Fireworks, Lake Erie, Put-in-Bay, OH'' ((RIN1625–AA00) (Docket No. USCG–2013–0697)) received in the Office of the President of the Senate on September 9, 2013; to the Committee on Commerce, Science, and Transportation.

EC–3060. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report entitled ''National Airspace System Capital Investment Plan Fiscal Years 2014–2018''; to the Committee on Commerce, Science, and Transportation.

EC–3061. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Interstate Movement of Sharwil Avocados From Hawaii'' ((RIN0579–AD70) (Docket No. APHIS–2012–0008)) received in the Office of the President of the Senate on September 16, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3062. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Styrene, Copolymers with Acrylic Acid and/or Methacrylic Acid; Tolerance Exemption'' (FRL No. 9396–9) received in the Office of the President of the Senate on September 10, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3063. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Chlorantraniliprole; Pesticide Tolerances'' (FRL No. 9395–1) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3064. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''2,5-Furandione, Polymer with Ethenylbenzene, Hydrolyzed, 3-(Dimethylamino)propyl Imide, Imide with Polyethylene-Polypropylene Glycol 2-Aminopropyl Me Ether, 2,2′-(1, 2-Diazenediyl)bis[2-Methylbutanenitrile]-Initiated; Tolerance Exemption'' (FRL No. 9398–4) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3065. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Quinoxyfen; Pesticide Tolerances'' (FRL No. 9398–9) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3066. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Military Personnel, Army appropriation, account 2152010, and occurred within the Office of the Assistant Secretary of the Army (Financial Management and Comptroller) during fiscal year 2005 and was assigned Army case number 11–07; to the Committee on Appropriations.

EC–3067. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Reasonably Available Control Technology for the 1997 8-Hour Ozone Standard''

(FRL No. 9797–3) received in the Office of the President of the Senate on September 10, 2013; to the Committee on Environment and Public Works.

EC–3068. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Second 10-Year Carbon Monoxide Maintenance Plan for Fort Collins'' (FRL No. 9900–86–Region 8) received in the Office of the President of the Senate on September 10, 2013; to the Committee on Environment and Public Works.

EC–3069. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; West Virginia; West Virginia's Redesignation for the Parkersburg-Marietta, WV–OH 1997 Annual Fine Particulate Matter Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan'' (FRL No. 9900–71–Region 3) received in the Office of the President of the Senate on September 10, 2013; to the Committee on Environment and Public Works.

EC–3070. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Procedures for Stringency Determinations and Minor Permit Revisions for Federal Operating Permits'' (FRL No. 9900–82–Region 6) received in the Office of the President of the Senate on September 10, 2013; to the Committee on Environment and Public Works.

EC–3071. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determination of Attainment for the Chico Nonattainment Area for the 2006 Fine Particle Standard; California; Determination Regarding Applicability of Clean Air Act Requirements'' (FRL No. 9900–69–Region 9) received in the Office of the President of the Senate on September 10, 2013; to the Committee on Environment and Public Works.

EC–3072. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rule on Certain Chemical Substances'' (FRL No. 9398–7) received in the Office of the President of the Senate on September 10, 2013; to the Committee on Environment and Public Works.

EC–3073. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Regional Haze'' (FRL No. 9732–4) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Environment and Public Works.

EC–3074. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Washington: Puget Sound Clean Air Agency Regulatory Updates'' (FRL No. 9901–03–Region 10) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Environment and Public Works.

EC–3075. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri; Conformity of General Federal Actions to State Implementation Plan'' (FRL No. 9901–01–Region 7) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Environment and Public Works.

EC–3076. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Redesignation of the Steubenville-Weirton Area to Attainment of the 1997 Annual Standard and the 2006 24-Hour Standard for Fine Particulate Matter'' (FRL No. 9900–79–Region 5) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Environment and Public Works.

EC–3077. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Amendments to Vehicle Inspection and Maintenance Program for Wisconsin'' (FRL No. 9827–9) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Environment and Public Works.

EC–3078. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio; Redesignation of the Cleveland-Akron-Lorain Area to Attainment of the 1997 Annual Standard and 2006 24-Hour Standard for Fine Particulate Matter'' (FRL No. 9900–92–Region 5) received in the Office of the President of the Senate on September 17, 2013; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. NELSON, from the Special Committee on Aging, without amendment:

S. Res. 241. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. SANDERS, from the Committee on Veterans' Affairs, without amendment:

S. Res. 243. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 244. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. Res. 245. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. Res. 249. An original resolution authorizing expenditures by the Committee on Finance.

By Mrs. MURRAY, from the Committee on the Budget, without amendment:

S. Res. 250. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 357. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

*Gregory Dainard Winfree, of New York, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

Christopher A. Hart, of Colorado, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2017.

*Deborah A. P. Hersman, of Virginia, to be Chairman of the National Transportation Safety Board for a term of two years.

*Deborah A. P. Hersman, of Virginia, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2018.

By Mr. LEAHY for the Committee on the Judiciary.

Cornelia T. L. Pillard, of the District of Columbia, to be United States Circuit Judge for the District of Columbia Circuit.

Landya B. McCafferty, of New Hampshire, to be United States District Judge for the District of New Hampshire.

Brian Morris, of Montana, to be United States District Judge for the District of Montana.

Susan P. Watters, of Montana, to be United States District Judge for the District of Montana.

Jeffrey Alker Meyer, of Connecticut, to be United States District Judge for the District of Connecticut.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TOOMEY (for himself and Mr. MANCHIN):

S. 1526. A bill to amend the Sarbanes-Oxley Act of 2002 to prohibit the Public Company Accounting Oversight Board from requiring public companies to use specific auditors or require the use of different auditors on a rotating basis; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. BLUNT, and Ms. LANDRIEU):

S. 1527. A bill to enhance pre- and post-adoptive support services; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. CARPER):

S. 1528. A bill to establish a national mercury monitoring program, and for other purposes; to the Committee on Environment and Public Works.

By Ms. BALDWIN (for herself and Ms. COLLINS):

S. 1529. A bill to provide benefits to domestic partners of Federal employees; to the

Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself, Mr. BLUNT, Mr. BURR, Mr. INHOFE, Mr. KIRK, Ms. KLOBUCHAR, Mrs. SHAHEEN, Ms. WARREN, Mr. WICKER, and Mrs. GILLIBRAND):

S. 1530. A bill to realign structures and reallocate resources in the Federal Government, in keeping with the core American belief that families are the best protection for children and the bedrock of any society, to bolster United States diplomacy and assistance targeted at ensuring that every child can grow up in a permanent, safe, nurturing, and loving family, and to strengthen intercountry adoption to the United States and around the world and ensure that it becomes a viable and fully developed option for providing families for children in need, and for other purposes; to the Committee on Foreign Relations.

By Mr. SCHUMER (for himself and Mr. LEAHY):

S. 1531. A bill to amend the Internal Revenue Code of 1986 to modify the types of wines taxed as hard cider; to the Committee on Finance.

By Mrs. MURRAY:

S. 1532. A bill to provide grants to promote financial literacy; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself, Mr. WHITEHOUSE, Mr. BEGICH, and Mrs. SHAHEEN):

S. 1533. A bill to end offshore tax abuses, to preserve our national defense and protect American families and businesses from devastating cuts, and for other purposes; to the Committee on Finance.

By Mr. HARKIN:

S. 1534. A bill to provide a framework establishing the rights, liabilities, and responsibilities of participants in closing procedures for certain types of consumer deposit accounts, to protect individual consumer rights, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER (for himself, Mr. CORNYN, Mr. COONS, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HATCH, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, and Mr. WHITEHOUSE):

S. 1535. A bill to deter terrorism, provide justice for victims, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON:

S. Res. 241. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. KIRK:

S. Res. 242. A resolution supporting the goals and ideals of ''Growth Awareness Week''; to the Committee on the Judiciary.

By Mr. SANDERS:

S. Res. 243. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER:

S. Res. 244. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mrs. FEINSTEIN:

S. Res. 245. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. CORNYN, Mr. BEGICH, Mr. BENNET, Mrs. BOXER, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HAGAN, Mr. HEINRICH, Mr. KAINE, Ms. MIKULSKI, Mr. NELSON, Mr. REED, Mr. RUBIO, Mr. SCHUMER, Ms. STABENOW, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mr. BROWN, Mr. MERKLEY, Mr. HELLER, Mr. CASEY, Ms. WARREN, Mr. ENZI, Mrs. MURRAY, and Mr. CARDIN):

S. Res. 246. A resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and the immense contributions of Latinos to the United States; considered and agreed to.

By Ms. STABENOW (for herself and Mr. THUNE):

S. Res. 247. A resolution designating the week of September 16 through September 20, 2013, as ''National Health Information Technology Week'' to recognize the value of health information technology in transforming and improving the healthcare system for all people in the United States; considered and agreed to.

By Mr. NELSON (for himself, Ms. COLLINS, Ms. MIKULSKI, Mr. SANDERS, Mr. FRANKEN, Mr. COONS, Mr. MARKEY, Mr. KING, and Mr. CASEY):

S. Res. 248. A resolution designating September 22, 2013, as ''National Falls Prevention Awareness Day'' to raise awareness and encourage the prevention of falls among older adults; considered and agreed to.

By Mr. BAUCUS:

S. Res. 249. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mrs. MURRAY:

S. Res. 250. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 153

At the request of Mr. BEGICH, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 153, a bill to amend section 520J of the Public Health Service Act to authorize grants for mental health first aid training programs.

S. 177

At the request of Mr. CRUZ, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 177, a bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

S. 357

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 357, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 641

At the request of Mr. WYDEN, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 641, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 727

At the request of Mr. MORAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 727, a bill to improve the examination of depository institutions, and for other purposes.

S. 798

At the request of Mr. BROWN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 798, a bill to address equity capital requirements for financial institutions, bank holding companies, subsidiaries, and affiliates, and for other purposes.

S. 822

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 822, a bill to protect crime victims' rights, to eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, to improve and expand the DNA testing capacity of Federal, State, and local crime laboratories, to increase research and development of new DNA testing technologies, to develop new training programs regarding the collection and use of DNA evidence, to provide post conviction testing of DNA evidence to exonerate the innocent, to improve the performance of counsel in State capital cases, and for other purposes.

S. 916

At the request of Mr. KAINE, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 916, a bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program.

S. 957

At the request of Mr. BENNET, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 957, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the pharmaceutical distribution supply chain.

S. 1030

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Hawaii (Mr. SCHATZ) were added as cosponsors of S. 1030, a bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes.

S. 1078

At the request of Ms. KLOBUCHAR, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1078, a bill to direct the Secretary of Defense to provide certain TRICARE beneficiaries with the opportunity to retain access to TRICARE Prime.

S. 1089

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1089, a bill to provide for a prescription drug take-back program for members of the Armed Forces and veterans, and for other purposes.

S. 1114

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1114, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

S. 1249

At the request of Mr. BLUMENTHAL, the names of the Senator from Nebraska (Mr. JOHANNS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 1249, a bill to rename the Office to Monitor and Combat Trafficking of the Department of State the Bureau to Monitor and Combat Trafficking in Persons and to provide for an Assistant Secretary to head such Bureau, and for other purposes.

S. 1292

At the request of Mr. CRUZ, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1292, a bill to prohibit the funding of the Patient Protection and Affordable Care Act.

S. 1300

At the request of Mr. FLAKE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1300, a bill to amend the Healthy Forests Restoration Act of 2003 to provide for the conduct of stewardship end result contracting projects.

S. 1302

At the request of Mr. HARKIN, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. DONNELLY) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 1302, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide for cooperative and small employer charity pension plans.

S. 1349

At the request of Mr. MORAN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1349, a bill to enhance the ability of community financial institutions to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1490

At the request of Mr. FLAKE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1490, a bill to delay the application of the Patient Protection and Affordable Care Act.

S. 1500

At the request of Mr. CORNYN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1500, a bill to declare the November 5, 2009, attack at Fort Hood, Texas, a terrorist attack, and to ensure that the victims of the attack and their families receive the same honors and benefits as those Americans who have been killed or wounded in a combat zone overseas and their families.

S. 1503

At the request of Mr. DURBIN, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1503, a bill to amend the Public Health Service Act to increase the preference given, in awarding certain asthma-related grants, to certain States (those allowing trained school personnel to administer epinephrine and meeting other related requirements).

S. 1525

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Illinois (Mr. KIRK) and the Senator from South Carolina (Mr. SCOTT) were added as cosponsors of S. 1525, a bill to ensure that the personal and private information of Americans enrolling in Exchanges established under the Patient Protection and Affordable Care Act is secured with proper privacy and data security safeguards.

S. RES. 225

At the request of Mr. CRUZ, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 225, a resolution to express the sense of the Senate that Congress should establish a joint select committee to investigate and report on the attack on the United States diplomatic facility and American personnel in Benghazi, Libya, on September 11, 2012.

AMENDMENT NO. 1853

At the request of Mr. BARRASSO, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 1853 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1858

At the request of Mr. MERKLEY, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 1858 proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1871

At the request of Mr. MCCONNELL, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of amendment No. 1871 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1894

At the request of Mr. MENENDEZ, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 1894 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1941

At the request of Mr. FRANKEN, the name of the Senator from Wisconsin (Ms. BALDWIN) was added as a cosponsor of amendment No. 1941 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

AMENDMENT NO. 1957

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 1957 intended to be proposed to S. 1392, a bill to promote energy savings in residential buildings and industry, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself and Mr. CARPER):

S. 1528. A bill to establish a national mercury monitoring program, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, today along with Senator CARPER, I am introducing the Comprehensive National Mercury Monitoring Act. This bill would ensure that we have accurate information about the extent of mercury pollution in our Nation.

A comprehensive national mercury monitoring network is needed to protect human health, safeguard fisheries, and track the effect of emissions reductions in the U.S. This tracking is particularly important in light of increasing mercury emissions from other countries. By accurately quantifying regional and national changes in atmospheric deposition, ecosystem contamination, and bioaccumulation of mercury in fish and wildlife in response to changes in mercury emissions, a monitoring network would help policy makers, scientists, and the public to better understand the sources, consequences, and trends in United States mercury pollution.

Mercury is a potent neurotoxin of significant ecological and public health concern, especially for children and pregnant women. It is estimated that approximately 410,000 children born in the U.S. were exposed to levels of mercury in the womb that are high enough to impair neurological development. Mercury exposure has gone down as U.S. mercury emissions have declined; however, levels remain unacceptably high.

Each new scientific study seems to find higher levels of mercury in more ecosystems and in more species, and the issue of mercury emissions is growing in importance around the world. At present, scientists must rely on limited information to understand the critical linkages between mercury emissions and environmental response and human health. Successful design, implementation, and assessment of solutions to the mercury pollution problem require comprehensive long-term information. A system for collecting such information, such as we have for acid rain and other pollution, does not currently exist for mercury—a much more toxic pollutant. We must have more comprehensive information and we must have it soon; otherwise, we risk making misguided policy decisions.

Specifically, the Comprehensive National Mercury Monitoring Act would direct EPA, in conjunction with the Fish and Wildlife Service, U.S. Geological Survey, National Park Service, the National Oceanic and Atmospheric Association, and other appropriate Federal agencies, to establish a national mercury monitoring program to measure and monitor mercury levels in the air and watersheds, water and soil chemistry, and in marine, freshwater, and terrestrial organisms at multiple sites across the Nation.

The act would establish a scientific advisory committee to advise on the establishment, site selection, measurement, recording protocols, and operations of the monitoring program.

The act would establish a centralized database for existing and newly collected environmental mercury data that can be freely accessed on the Internet and that is compatible with similar international efforts.

The act would require a report to Congress every 2 years on the program, including trend data, and an assessment of the reduction in mercury deposition rates that need to be achieved in order to prevent adverse human and ecological effects every 4 years; and

The act would authorize $95 million over 3 years to carry out the act.

We must establish a comprehensive, robust national mercury monitoring network to provide the data needed to help make decisions that can protect the people and environment of Maine and the entire Nation.

By Mr. LEVIN (for himself, Mr. WHITEHOUSE, Mr. BEGICH, and Mrs. SHAHEEN):

S. 1533. A bill to end offshore tax abuses, to preserve our national defense and protect American families and businesses from devastating cuts , and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am introducing today, along with my colleagues Senators WHITEHOUSE, BEGICH and SHAHEEN, the Stop Tax Haven Abuse Act, legislation that is geared to stop the estimated $150 billion yearly drain on the U.S. treasury caused by offshore tax abuses. Offshore tax abuses are not only undermining public confidence in our tax system, but widening the deficit and increasing the tax burden for the rest of American families and businesses.

This bill eliminates incentives to send U.S. profits and jobs offshore, combats offshore tax abuses, and raises revenues needed to fund our national security and essential domestic programs. Its provisions could be part of an alternative deficit reduction package to substitute for sequestration this year, but should be adopted in any event because the loopholes we would close serve no economic purpose and shouldn't exist even if there were no deficit.

We should close these loopholes on principle. They are blatantly unfair, and we should end them, regardless of our deficit, regardless of whether sequestration is in effect. But surely, at a time when sequestration is harming families, national security, life-saving research, students and seniors, we should close these loopholes and dedicate the revenue to ending sequestration.

The bill is supported by a wide array of small business, labor and public interest groups, including the Financial Accountability and Corporate Transparency, FACT, Coalition, Americans for Tax Fairness, Tax Justice Network-USA, Citizens for Tax Justice, AFL–CIO, SEIU, American Sustainable Business Council, Business for Shared Prosperity, South Carolina Small Business Chamber of Commerce, Friends of the Earth, New Rules for Global Finance, U.S. Public Interest Research Group, Global Financial Integrity, Jubilee USA Network, and Public Citizen.

Frank Knapp, president and CEO of the South Carolina Small Business Chamber of Commerce, has explained small business support for the bill this way:

> Small businesses are the lifeblood of local economies. We pay our fair share of taxes and generate most of the new jobs. Why should we be subsidizing U.S. multinationals that use offshore tax havens to avoid paying taxes? Big corporations benefit immensely from all the advantages of being headquartered in our country. It's time to end tax haven abuse and level the playing field.

The Stop Tax Haven Abuse Act is a product of the investigative work of the Permanent Subcommittee on Investigations which I chair. For more than 12 years, the Subcommittee has conducted inquiries into offshore tax avoidance abuses, including the use of offshore corporations and trusts to hide assets and shift income abroad, the use of tax haven banks to set up secret accounts, and the use of U.S. bankers, lawyers, accountants and other professionals to devise methods of taking advantage of tax loopholes that Congress never intended. Over the years, my Subcommittee has learned a lot about these offshore tricks, and we have designed this bill to fight back by closing many of these tax loopholes and strengthening offshore tax enforcement.

The 113th Congress is the sixth Congress in which I have introduced a comprehensive bill to combat offshore and tax shelter abuses. A number of provisions from past bills have made it into law, such as measures to curb abusive foreign trusts, close offshore dividend tax loopholes, and strengthen penalties on tax shelter promoters.

In recent years, Congress has made a little progress in the offshore tax battle. In 2010, we enacted into law the economic substance doctrine, which up to then had been a judicially created policy. The law now authorizes courts to strike down phony business deals with no economic purpose other than to avoid the payment of tax. Getting the economic substance doctrine enacted was a victory many years in the making.

Also in 2010, Congress enacted the Baucus-Rangel Foreign Account Tax Compliance Act or FATCA, which is designed to flush out hidden offshore bank accounts. Foreign banks have engaged in a massive lobbying effort to weaken its disclosure requirements, but most U.S. banks have had it with foreign banks using secrecy to attract U.S. clients and want those foreign banks to have to meet the same disclosure requirements U.S. banks do. Starting next year, foreign financial institutions will have to agree to comply with FATCA's disclosure requirements, which include disclosing to the IRS all accounts held by U.S. persons, or else begin incurring a 30 percent withholding tax on all investment income received from the United States.

President Obama, who when in the Senate cosponsored the 2005 and 2007 versions of this bill we're introducing today, is a longtime opponent of offshore tax evasion. And just weeks ago, the G–20 leaders declared international tax avoidance by multinational corporations to be a global concern, and pledged to work cooperatively to end abuses.

The bottom line is that each of us has a legal and civil obligation to pay taxes, and most Americans fulfill that obligation. It is time to force the tax scofflaws, the tax dodgers, and the tax avoiders to do the same, and for us to take the steps needed to end their use of offshore tax havens. It is also time to recapture those unpaid taxes to pay for critical government services, including strengthening our education, health care, and defense to help replace the absurd sequestration approach with an alternative balanced deficit reduction package that includes revenues as one component.

The bill we are introducing today is a stronger, more streamlined version of the Stop Tax Haven Abuse Act introduced in the last Congress. This enhanced version includes key provisions from the last bill that have not yet been enacted into law, several provisions implementing the President's budget recommendations, and new provisions to stop the offshore tax haven

abuses featured in hearings held and bipartisan reports filed during the last Congress by my Subcommittee.

The provisions retained from the prior version of the bill include, with some clarifying or strengthening language, special measures to deal with foreign jurisdictions and financial institutions that significantly impede U.S. tax enforcement. They include tougher disclosure, evidentiary and enforcement provisions for accounts at foreign financial institutions that do not comply with FATCA; and the treatment of offshore corporations as domestic corporations for tax purposes when managed and controlled primarily from the United States. They also include stronger disclosure requirements for offshore accounts and offshore entities opening U.S. financial accounts, and closure of a tax loophole benefiting financial swaps that send money offshore. In addition, they mandate new disclosure requirements to stop multinational corporate tax evasion by requiring publicly traded corporations to disclose basic information about their employees, revenues and tax payments on a country-by-country basis.

The new provisions in this bill would eliminate tax provisions encouraging the offshoring of jobs and profits by deferring corporate tax deductions for expenses associated with moving and operating offshore unless and until the corporation repatriates the offshore profits produced by those operations and pays taxes on them. Another set of new provisions would end transfer pricing abuses by immediately taxing any excess income received by foreign affiliates to which U.S. intellectual property rights have been transferred, and limiting income shifting through U.S. property transfers offshore. Other new provisions would require foreign tax credits to be calculated on a pooled basis to stop the manipulation of those tax credits to dodge U.S. taxes. Still another new bill provision would end tax gimmicks involving the use of the so-called ''check-the-box'' and ''CFC look-through'' rules for offshore entities. Finally, a new bill provision would close the short-term loan loophole used by some corporations to avoid paying taxes on offshore income that is effectively repatriated.

Let me now go through each of the bill sections to explain the tax abuses they address and how they would work.

TITLE I—DETERRING THE USE OF TAX HAVENS FOR TAX EVASION

The first title of the bill concentrates on combating tax havens and their financial institutions around the world that assist U.S. taxpayers in hiding their assets, avoiding U.S. tax enforcement efforts, and dodging U.S. taxes. It focuses on strengthening tools to stop tax haven jurisdictions and tax haven banks from facilitating U.S. tax evasion, to expose hidden offshore assets, and to eliminate incentives for U.S. persons to send funds offshore.

SECTION 101—SPECIAL MEASURES WHERE U.S. TAX ENFORCEMENT IS IMPEDED

The first section of the bill, Section 101, which is carried over from the last Congress and which passed the Senate in 2012 as part of another bill but did not make it through conference, would allow the Treasury Secretary to apply an array of sanctions against any foreign jurisdiction or foreign financial institution that the Secretary determined was significantly impeding U.S. tax enforcement.

We have all seen the press reports about tax haven banks that have deliberately helped U.S. clients evade U.S. taxes. In 2008, UBS, Switzerland's largest bank, admitted doing just that, paid a $780 million fine, and promised to stop opening accounts for U.S. persons without reporting them to the IRS. Earlier this year, Switzerland's oldest bank, Wegelin & Co., pleaded guilty to conspiring with U.S. taxpayers to hide more than $1.2 billion in secret Swiss bank accounts and closed its doors. These are just a few examples of how some foreign banks knowingly impede U.S. tax enforcement efforts, and why the United States needs to be better armed with the tools needed to deal with them.

This bill section also has added significance now that Congress has enacted the Foreign Account Tax Compliance Act or FATCA requiring foreign financial institutions with U.S. investments to disclose all accounts opened by U.S. persons or pay a hefty withholding tax on all of the U.S. investment income they receive. FATCA has begun to go into effect, but some foreign financial institutions are saying that they will refuse to adopt FATCA's approach and will instead stop holding any U.S. investments. While that is their right, the question being raised by some foreign banks planning to comply with FATCA is what happens to the non-FATCA institutions that take on U.S. clients and don't report the accounts to the United States. Right now, the U.S. government has limited ways to take effective action against foreign financial institutions that open secret accounts for U.S. tax evaders. Section 101 of our bill would change that by providing a powerful new tool to deter and stop non-FATCA-compliant institutions from facilitating U.S. tax evasion.

Section 101 is designed to build upon existing Treasury authority to take action against foreign financial institutions that engage in money laundering by extending that same authority to the tax area. In 2001, the Patriot Act gave Treasury the authority under 31 U.S.C. 5318A to require domestic financial institutions and agencies to take special measures with respect to foreign jurisdictions, financial institutions or transactions found to be of ''primary money laundering concern.'' Once Treasury designates a foreign jurisdiction or financial institution to be of primary money laundering concern, Section 5318A allows Treasury to impose a range of requirements on U.S. financial institutions in their dealings with the designated entity—all the way from requiring U.S. financial institutions, for example, to provide greater information than normal about transactions involving the designated entity to prohibiting U.S. financial institutions from opening accounts for that foreign entity.

This Patriot Act authority has been used sparingly, but to telling effect. In some instances Treasury has employed special measures against an entire country, such as Burma, to stop its financial institutions from laundering funds through the U.S. financial system. More often, Treasury has used the authority narrowly against a single problem financial institution, such as a bank in Syria, to stop laundered funds from entering the United States. The provision has clearly succeeded in giving Treasury a powerful tool to protect the U.S. financial system from money laundering abuses.

The bill would authorize Treasury to use that same tool against foreign jurisdictions or financial institutions found by Treasury to be ''significantly impeding U.S. tax enforcement.'' Treasury could, for example, require U.S. financial institutions that have correspondent accounts for a designated foreign bank to produce information on all transactions by that foreign bank executed through a U.S. correspondent bank. Alternatively, Treasury could prohibit U.S. financial institutions from opening accounts for a designated foreign bank, thereby cutting off that foreign bank's access to the U.S. financial system. Those types of sanctions could be as effective in ending tax haven abuses as they have been in curbing money laundering.

In addition to extending Treasury's ability to impose special measures against foreign jurisdictions or financial institutions impeding U.S. tax enforcement, the bill would add a new measure to the list of possible sanctions that could be applied: it would allow Treasury to instruct U.S. financial institutions not to authorize or accept credit or debit card transactions involving a designated foreign jurisdiction or financial institution. Denying tax haven banks the ability to issue credit or debit cards for use in the United States, for example, offers an effective new way to stop U.S. tax avoiders from obtaining access to funds hidden offshore.

This provision is estimated by the Joint Committee on Taxation to raise $880 million over ten years. It was passed by the Senate last year as an amendment to help pay for the transportation bill, but, ultimately, did not make it into law. This non-controversial, completely discretionary power aimed at foreign facilitators of U.S. tax evasion should be enacted into law without further delay.

SECTION 102—STRENGTHENING FATCA

Section 102 of the bill is a new section that seeks to clarify, build upon,

and strengthen the Foreign Account Tax Compliance Act, or FATCA, to flush out hidden foreign accounts and assets used by U.S. taxpayers to evade paying U.S. taxes. The law is currently designed to become effective in stages, beginning in 2013, and will eventually require disclosure of accounts held by U.S. persons at foreign banks, broker-dealers, investment advisers, hedge funds, private equity funds and other financial firms.

Some foreign financial institutions are likely to choose to forego maintaining accounts for U.S. persons rather than comply with FATCA's disclosure rules. If some foreign financial institutions decide not to participate in the FATCA system, that's their business. But if U.S. taxpayers start using those same foreign financial institutions to hide assets and evade U.S. taxes to the tune of $100 billion per year, that's our business. The United States has a right to enforce our tax laws and to expect that financial institutions will not assist U.S. tax cheats.

Section 101 of the bill would provide U.S. authorities with the means to take direct action against foreign financial institutions that decide to operate outside of the FATCA system and allow U.S. clients to open hidden accounts. If the U.S. Treasury determines that such a foreign financial institution is significantly impeding U.S. tax enforcement, Section 101 would give U.S. authorities a menu of special measures that could be taken in response, including prohibiting U.S. banks from doing business with that institution.

Section 102, in contrast, does not seek to take action against a non-FATCA institution, but instead seeks to strengthen U.S. tax enforcement tools with respect to U.S. persons opening accounts at those institutions. Section 102 would also help clarify when foreign financial institutions are obligated to disclose certain accounts to the United States under FATCA.

Background. In 2006, the Permanent Subcommittee on Investigations released a report with six case histories detailing how U.S. taxpayers were using offshore tax havens to avoid payment of the taxes they owed. These case histories examined an internet-based company that helped persons obtain offshore entities and accounts; U.S. promoters that designed complex offshore structures to hide client assets and even providing clients with a how-to manual for going offshore. They also examined U.S. taxpayers who diverted business income offshore through phony loans and invoices; a one-time tax dodge that deducted phantom offshore stock losses from real U.S. stock income to shelter that income from U.S. taxes; and a 13-year offshore network of 58 offshore trusts and corporations built by American brothers Sam and Charles Wyly. Each of these case histories presented the same fact pattern in which the U.S. taxpayer, through lawyers, banks, or other representatives, set up offshore trusts, corporations, or other entities which had all the trappings of independence but, in fact, were controlled by the U.S. taxpayer whose directives were implemented by compliant offshore personnel acting as the trustees, officers, directors, or nominee owners of the offshore entities.

In the case of the Wylys, the brothers and their representatives communicated Wyly directives to a so-called trust protector who then relayed the directives to the offshore trustees and corporate officers. In the 13 years examined by the Subcommittee, the offshore trustees and corporate officers never once rejected a Wyly request and never once initiated an action without Wyly approval. They simply did what they were told, and directed the so-called independent offshore trusts and corporations to do what the Wylys wanted. A U.S. taxpayer in another case history told the Subcommittee that the offshore personnel who nominally owned and controlled his offshore entities, in fact, always followed his directions, describing himself as the ''puppet master'' in charge of his offshore holdings.

When the Subcommittee discussed these case histories with financial administrators from the Isle of Man, the regulators explained that none of the offshore personnel were engaged in any wrongdoing, because their laws permit foreign clients to transmit detailed, daily instructions to offshore service providers on how to handle offshore assets, so long as it is the offshore trustee or corporate officer who gives the final order to buy or sell the assets. They explained that, under their law, an offshore entity is considered legally independent from the person directing its activities so long as that person follows the form of transmitting ''requests'' to the offshore personnel who retain the formal right to make the decisions, even though the offshore personnel always do as they are asked.

The Subcommittee case histories illustrate what the tax literature and law enforcement experience have shown for years: that the business model followed in offshore secrecy jurisdictions is for compliant trustees, corporate administrators, and financial institutions to provide a veneer of independence while ensuring that their U.S. clients retain complete and unfettered control over ''their'' offshore assets. That's the standard operating procedure offshore. Offshore service providers pretend to own or control the offshore trusts, corporations and accounts they help establish, but what they really do is whatever their clients tell them to do.

Rebuttable Evidentiary Presumptions. The reality behind these offshore practices makes a mockery of U.S. laws that normally view trusts and corporations as independent actors. They invite tax avoidance and tax evasion. To combat these abusive offshore practices, Section 102(g) of the bill would implement a bipartisan recommendation in the Levin-Coleman 2006 report by establishing several rebuttable evidentiary presumptions that would presume a U.S. taxpayer controls offshore entities that they create, finance, or from which they benefit, unless the U.S. taxpayer presents clear and convincing evidence to the contrary.

The presumptions would apply only in civil judicial or administrative tax or securities enforcement proceedings examining offshore entities or transactions. They would place the burden of producing evidence from offshore jurisdiction on the taxpayer who chose to open an offshore account at a non-FATCA compliant financial institution and who has access to the information, rather than placing the burden on the federal government that has little practical ability to get the information.

Section 102(g)(1) would establish three evidentiary presumptions in civil tax enforcement efforts. First is a presumption that a U.S. taxpayer who ''formed, transferred assets to, was a beneficiary of, had a beneficial interest in, or received money or property or the use thereof'' from an offshore entity, such as a trust or corporation, controls that entity. Second is a presumption that funds or other property received from offshore are taxable income, and that funds or other property transferred offshore have not yet been taxed. Third is a presumption that a financial account controlled by a U.S. taxpayer in a foreign country contains enough money—$10,000—to trigger an existing statutory reporting threshold and allow the IRS to assert the minimum penalty for nondisclosure of the account by the taxpayer.

Section 102(g)(2) would establish two evidentiary presumptions applicable to civil proceedings to enforce U.S. securities laws. The first would specify that if a director, officer, or major shareholder of a U.S. publicly-traded corporation creates, finances, or benefits from an offshore entity, that U.S. corporation would be presumed to control that offshore entity. The second presumption would provide that securities nominally owned by an offshore entity are presumed to be beneficially owned by any U.S. person who controlled that offshore entity.

All of these presumptions are rebuttable, which means that the U.S. person who is the subject of the presumptions could provide clear and convincing evidence to show that the presumptions were factually inaccurate. To rebut the presumptions, a taxpayer could establish, for example, that an offshore corporation really was controlled by an independent third party, or that money sent from an offshore account really represented a non-taxable gift instead of taxable income. If the taxpayer wished to introduce evidence from a foreign person, such as an offshore banker, corporate officer, or trust administrator, to establish those

facts, that foreign person would have to appear in the U.S. proceeding in a manner that would permit cross examination.

The bill also includes several limitations on the presumptions to ensure their operation is fair and reasonable. First, criminal cases would not be affected by this bill, which would apply only to civil proceedings. Second, the presumptions would come into play only if the IRS or SEC were to challenge a matter in an enforcement proceeding. Third, the bill recognizes that certain classes of offshore transactions, such as corporate reorganizations, may not present a potential for abuse and accordingly authorizes Treasury and the SEC to issue regulations or guidance identifying such classes of transactions to which the presumptions would not apply.

An even more fundamental limitation on the presumptions is that they would apply only to U.S. persons who directly or through an offshore entity choose to do business with a ''nonFATCA institution,'' meaning a foreign financial institution that has not adopted the FATCA disclosure requirements and instead takes advantage of banking, corporate, and tax secrecy laws and practices that make it very difficult for U.S. tax authorities to detect financial accounts benefiting U.S. persons.

FATCA's disclosure requirements were designed to combat offshore secrecy and flush out hidden accounts being used by U.S. persons to evade U.S. taxes. Section 102(g) would continue the fight by allowing federal authorities to benefit from rebuttable presumptions regarding the control, ownership and assets of offshore entities that open accounts at financial institutions outside the FATCA disclosure system. These presumptions would allow U.S. law enforcement to establish what we all know from experience is normally the case in an offshore jurisdiction: that a U.S. person who creates, finances, or benefits from an offshore entity controls that entity; that money and property sent to or from an offshore entity involves taxable income; and that an offshore account that has not been disclosed to U.S. authorities should become subject to inspection. U.S. law enforcement needs to establish those facts presumptively, without having to pierce the secrecy veil, because of the difficulty of getting access to the relevant information. At the same time, U.S. persons who chose to transact their affairs through accounts at a non-FACTA institution are given the opportunity to lift the veil of secrecy and demonstrate that the presumptions are factually incorrect. These rebuttable evidentiary presumptions would provide U.S. tax and securities law enforcement with powerful new tools to end tax haven abuses.

FATCA Disclosure Obligations. In addition to establishing presumptions, Section 102 would make several changes to clarify and strengthen FATCA's disclosure obligations.

Section 102(b) would amend 26 U.S.C. Section 1471 to make it clear that the types of financial accounts that must be disclosed by foreign financial institutions under FATCA include not just savings, money market or securities accounts, but also transaction accounts, such as checking accounts, that some banks might claim are not depository accounts. This section would also make it clear that financial institutions may not omit from their disclosures client assets in the form of derivatives, including swap agreements.

Section 102(c) would amend 26 U.S.C. 1472 to clarify when a withholding agent ''knows or has reason to know'' that an account is directly or indirectly owned by a U.S. person and must be disclosed to the United States. The bill provision would make it clear that the withholding agent would have to take into account information obtained as the result of ''any customer identification, anti-money laundering, anti-corruption, or similar obligation to identify accountholders.'' In other words, if a foreign bank knows, as a result of due diligence inquiries made under its anti-money laundering program, that a non-U.S. corporation was beneficially owned by a U.S. person, the foreign bank would have to report that account to the IRS—it could not treat the offshore corporation as a non-U.S. customer. That approach is already implied in the existing statutory language and is part of the regulations that have been issued to implement FATCA, but this amendment would make it crystal clear.

Section 102(c) would also amend the law to make it clear that the Treasury Secretary, when exercising authority under FATCA to waive disclosure or withholding requirements for non-financial foreign entities, can waive those requirements only for a class of entities that the Secretary identifies as ''posing a low risk of tax evasion.'' A variety of foreign financial institutions have pressed Treasury to issue waivers under Section 1472, and this amendment would make it clear that such waivers are possible only when the risk of tax evasion is minimal.

Section 102(d) would amend 26 U.S.C. 1473 to clarify that the definition of ''substantial United States owner'' includes U.S. persons who are beneficial owners of corporations or the beneficial owner of an entity that is one of the partners in a partnership. While the current statutory language already implies that beneficial owners are included, this amendment would leave no doubt.

Section 102(e) would amend 26 U.S.C. 1474 to make two exceptions to the statutory provision which makes account information disclosed to the IRS by foreign financial institutions under FATCA confidential tax return information. The first exception would allow the IRS to disclose the account information to federal law enforcement agencies, including the SEC and bank regulators, investigating possible violations of U.S. law. The second would allow the IRS to disclose the name of any foreign financial institution whose disclosure agreement under FATCA was terminated, either by the institution, its government, or the IRS. Financial institutions should not be able to portray themselves as FATCA institutions if, in fact, they are not.

Section 102(f) would amend 26 U.S.C. 6038D, which creates a new tax return disclosure obligation for U.S. taxpayers with interests in ''specified foreign financial assets,'' to clarify that the disclosure requirement applies not only to persons who have a direct or nominal ownership interest in those foreign financial assets, but also to persons who have a beneficial ownership interest in them. While the existing statutory language implies this broad reporting obligation, the amendment would make it clear.

Finally, Section 102(a) would amend a new annual tax return obligation established in 26 U.S.C. 1298(f) for passive foreign investment companies (PFICs). PFICs are typically used as holding companies for foreign assets held by U.S. persons, and the intent of the new Section 1298(f) is to require all PFICs to begin filing annual informational tax returns with the IRS. The current statutory language, however, limits the disclosure obligation to any U.S. person who is a ''shareholder'' in a PFIC, and does not cover PFICs whose shares may be nominally held by an offshore corporation or trust, but beneficially owned by a U.S. person. The bill provision would broaden the PFIC reporting requirement to apply to any U.S. person who ''directly or indirectly, forms, transfers assets to, is a beneficiary of, has a beneficial interest in, or receives money or property or the use thereof'' from a PFIC. That broader formulation of who should file the new PFIC annual tax return would ensure that virtually all PFICs formed by, financed by, or benefiting U.S. persons are required to file informational returns with the IRS.

SECTION 103—CORPORATIONS MANAGED AND CONTROLLED IN THE UNITED STATES

Section 103 of the bill focuses on corporations which claim foreign status—often in a tax haven jurisdiction—in order to avoid payment of U.S. taxes, but then operate right here in the United States in direct competition with domestic corporations that are paying their fair share.

This offshore game is all too common. In 2008, the Senate Finance Committee held a hearing describing a trip made by GAO to the Cayman Islands to look at the infamous Ugland House, a five-story building that is the official address for over 18,800 registered companies. GAO found that about half of the alleged Ugland House tenants—around 9,000 entities—had a billing address in the United States and were not actual occupants of the building. In fact, GAO determined that none of the companies registered at the Ugland

House had office space or actual employees there. GAO found that the only true occupant of the building was a Cayman law firm, Maples and Calder.

Here's what the GAO wrote:

Very few Ugland House registered entities have a significant physical presence in the Cayman Islands or carry out business in the Cayman Islands. According to Maples and Calder partners, the persons establishing these entities are typically referred to Maples by counsel from outside the Cayman Islands, fund managers, and investment banks. As of March 2008 the Cayman Islands Registrar reported that 18,857 entities were registered at the Ugland House address. Approximately 96 percent of these entities were classified as exempted entities under Cayman Islands law, and were thus generally prohibited from carrying out domestic business within the Cayman Islands.

Section 103 of the bill is designed to address the Ugland House problem. It focuses on the situation where a corporation is incorporated in a tax haven as a mere shell operation with little or no physical presence or employees in the jurisdiction. The shell entity pretends it is operating in the tax haven even though its key personnel and decisionmakers are in the United States. This set up allows the owners of the shell entity to take advantage of all of the benefits provided by U.S. legal, educational, financial and commercial systems and at the same time avoid paying U.S. taxes.

My Subcommittee has seen numerous companies exploit this situation, declaring themselves to be foreign corporations even though they really operate out of the United States. For example, thousands of hedge funds whose managers live and work in the United States play this game to escape taxes and avoid regulation. In an October 2008 Subcommittee hearing, three sizeable hedge funds, Highbridge Capital which is associated with JPMorgan Chase, Angelo Gordon, and Maverick Capital, acknowledged that, although all claimed to be Cayman Island corporations, none had an office or a single full time employee in that jurisdiction. Instead, their offices and key decisionmakers were located and did business right here in the United States.

According to a Wall Street Journal article, over 20 percent of the corporations that made initial public offerings or IPOs in the United States in 2010, were incorporated in Bermuda or the Cayman Islands, but also described themselves to investors as based in another country, such as the United States. The article also described how Samsonite, a Denver-based company, reincorporated in Luxembourg before going public. Too many of these tax-haven incorporations appear to have no purpose other than having the advantage of operating in the United States while avoiding U.S. taxation and undercutting U.S. competitors who pay their taxes.

Still another illustration of the problem came to light earlier this year, in a Subcommittee hearing which disclosed that Apple, a prominent U.S. corporation, had established three wholly-owned subsidiaries in Ireland that claimed the bulk of Apple's foreign sales income, while also claiming not to be tax resident in any country. All three of Apple's Irish subsidiaries were run by personnel located primarily in the United States. Under Irish law, because the management of the corporations was not in Ireland, they were not considered tax residents of Ireland. Under U.S. law, because the corporations were formed in Ireland, they were not considered tax residents of the United States. They were neither here nor there, and paid no corporate income taxes anywhere.

Section 103 would put an end to such corporate fictions and unjustified tax avoidance by profitable multinational corporations through offshore loopholes. It provides that if a corporation is publicly traded or has aggregate gross assets of $50 million or more, and its management and control occurs primarily in the United States, then that corporation will be treated as a U.S. domestic corporation for income tax purposes.

To implement this provision, Treasury is directed to issue regulations to guide the determination of when management and control occur primarily in the United States, looking at whether ''substantially all of the executive officers and senior management of the corporation who exercise day-to-day responsibility for making decisions involving strategic, financial, and operational policies of the corporation are located primarily within the United States.''

This new section relies on the same principles regarding the true location of ownership and control of a company that underlie the corporate inversion rules adopted in the American Jobs Creation Act of 2005. Those inversion rules, however, do not address the fact that some entities directly incorporate in foreign countries and manage their businesses activities from the United States. Section 103 would level the playing field and ensure that entities which incorporate directly in another country are subject to a similar management and control test. Section 103 is also similar in concept to the substantial presence test in the income tax treaty between the United States and the Netherlands that looks to the primary place of management and control to determine corporate residency.

To address, in particular, the many investment companies that incorporate in tax havens but operate with investment managers who live and work in the United States, Section 103 specifically directs Treasury to issue regulations to specify that, when investment decisions are being made in the United States, the management and control of that corporation shall be treated as occurring primarily in the United States, and that corporation shall be subject to U.S. taxes in the same manner as any other U.S. corporation.

The section would provide exceptions for private companies that once met the section's test for treatment as a domestic corporation but, during a later tax year, fell below the $50 million gross assets test, do not expect to exceed that threshold again, and are granted a waiver by the Treasury Secretary.

If enacted into law, Section 103 would put an end to the unfair situation where some U.S.-based companies pay U.S. taxes, while their competitors set up a shell corporation in a tax haven and are able to defer or escape taxation, despite the fact that their foreign status is nothing more than a paper fiction. This provision has been estimated by the Joint Committee on Taxation to raise $6.6 billion in tax revenues over ten years.

SECTION 104—INCREASED DISCLOSURE OF OFFSHORE ACCOUNTS AND ENTITIES

Offshore tax abuses thrive in secrecy. Section 104(a) attempts to overcome offshore secrecy practices by creating two new disclosure mechanisms requiring third parties to report offshore transactions undertaken by U.S. persons.

The first disclosure mechanism focuses on U.S. financial institutions that open a U.S. account in the name of an offshore entity, such as an offshore trust or corporation, and learn from an anti-money laundering due diligence review, that a U.S. person is the beneficial owner behind that offshore entity. In the Wyly case history examined by the Subcommittee, for example, three major U.S. financial institutions opened dozens of accounts for offshore trusts and corporations that they knew were associated with the Wyly family.

Under current anti-money laundering law, all U.S. financial institutions are supposed to know who is behind an account opened in the name of, for example, an offshore shell corporation or trust. They are supposed to obtain this information to safeguard the U.S. financial system against misuse by terrorists, money launderers, and other criminals.

Under current tax law, a bank or securities broker that opens an account for a U.S. person is also required to give the IRS a 1099 form reporting any capital gains or other reportable income earned on that account. However, the bank or securities broker need not file a 1099 form if the account is owned by a foreign entity not subject to U.S. tax law. Problems arise when an account is opened in the name of an offshore entity that is nominally not subject to tax, but which the bank or broker knows, from its anti-money laundering review, is owned or controlled by a U.S. person who is subject to tax. The U.S. person should be filing a tax return with the IRS reporting the income of the ''controlled foreign corporation.'' However, since he or she knows it is difficult for the IRS to connect an offshore accountholder to a particular taxpayer, the U.S. person

may feel safe in not reporting that income. That complacency might change, however, if the U.S. person knew that the bank or broker who opened the account and learned of the connection had a legal obligation to report any account income to the IRS.

Under current law, the way the regulations are written and typically interpreted, the bank or broker can treat an account opened in the name of a foreign corporation as an account that is held by an independent entity that is separate from the U.S. person, even if it knows that the foreign corporation is acting merely as a screen to hide the identity of the U.S. person, who exercises complete authority over the corporation and benefits from any income earned on the account. Many banks and brokers contend that the current regulations impose no duty on them to file a 1099 form or other form disclosing that type of account to the IRS.

The bill would strengthen current law by expressly requiring a bank or broker that knows, as a result of its anti-money laundering due diligence or otherwise, that a U.S. person is the beneficial owner of a foreign entity that opened an account, to disclose that account to the IRS by filing a 1099 or equivalent form reporting the account income. This reporting obligation would not require banks or brokers to gather any new information—financial institutions are already required to perform anti-money laundering due diligence for accounts opened by offshore shell entities. The bill would instead require U.S. financial institutions to act on what they already know by filing the relevant form with the IRS.

This section would require such reports to the IRS from two sets of financial institutions. The first set is financial institutions that are located and do business in the United States. The second set is foreign financial institutions which are located and do business outside of the United States, but are voluntary participants in either the FATCA or Qualified Intermediary program, and have agreed to provide information to the IRS about certain accounts. Under this section, if a foreign financial institution has an account under the FATCA or QI program, and the accountholder is a non-U.S. entity that is controlled or beneficially owned by a U.S. person, then that foreign financial institution would have to report any reportable assets or income in that account to the IRS. While foreign financial institutions are already required to report such accounts under FATCA regulations, Section 104(a) would provide a clear statutory foundation for those regulatory provisions and extend them to U.S. financial institutions as well.

The second disclosure mechanism created by Section 104(a) targets U.S. financial institutions that open foreign bank accounts for U.S. clients at non-FATCA institutions, meaning foreign financial institutions that have not agreed under FATCA to disclose to the IRS the accounts they open for U.S. persons. Past Subcommittee investigations have found that some U.S. financial institutions help their U.S. clients both to form offshore entities and to open foreign bank accounts for those entities, so that their clients do not even need to leave home to set up an offshore structure. Since non-FATCA institutions, by definition, have no obligation to disclose the accounts to U.S. authorities, Section 104(a) would instead impose that disclosure obligation on the U.S. financial institution that helped set up the account for its U.S. client.

Section 104(b) would impose the same penalties for the failure to report such accounts as apply to the failure to meet other reporting obligations of withholding agents.

SECTION 105—CLOSING THE SWAPS OFFSHORE LOOPHOLE

Section 105 of the bill targets a tax loophole benefiting swap dealers and other parties that enter into swap arrangements, which I call the swaps offshore loophole.

In simple terms, a swap is a financial contract in which two parties typically bet against each other on the performance of a referenced financial instrument or on the outcome of a referenced event over a specified period of time. The bet can be about whether a commodity price or stock value will go up or down over time, whether one foreign currency or interest rate will gain or lose value compared to another during the covered period, or whether a corporate bond or sovereign country will default before a specified date. Those swaps are generally referred to as commodity, equity, interest rate, foreign currency, or credit default swaps. Sometimes swaps are used, not to place bets, but to allocate revenue streams over time. For example, in a ''total return swap,'' one party may promise to pay the other party all financial returns produced by a referenced financial instrument during the covered period. In many swaps, one party makes a series of payments to the other during the covered period to reflect the change in value of the swap over time.

Ten years ago, few people outside of financial circles had ever heard of a swap, but we all learned a great deal about them during the financial crisis. We watched AIG teeter on the brink of bankruptcy from issuing credit default swaps whose collateral calls it could not meet, needing a $182 billion rescue with taxpayer dollars. Since then, we have seen credit default swaps play roles in financial crises around the world from Greece to Ireland to Portugal. We have also learned that virtually all major U.S. banks engage in interest rate and foreign currency swaps, and have seen U.S. cities like Detroit incur major losses from entering into complex interest rate swaps that went sour. We have also learned that global swap markets have grown so large that, by the end of 2012, according to the Bank for International Settlements, their dollar value topped $560 trillion.

Well it turns out that there's a tax angle that promotes not only swaps dealing, but also offshore finagling. That's because U.S. tax regulations currently allow swap payments that are sent from the United States to someone offshore to be treated as non-U.S. source income that may escape U.S. taxation. Let me repeat that. Under existing IRS regulations, swap payments sent from the United States are deemed to be non-U.S. source income to the recipient for U.S. tax purposes. That is because current IRS regulations deem the ''source'' of the swap payment to be where the payment ends up—the exact opposite of the normal meaning of the word ''source.''

You can imagine the use that some hedge funds that are managed here in the United States, but are incorporated offshore and maintain post office boxes and bank accounts in tax havens, may be making of that tax loophole. They can tell their swap counterparties in the United States to send any swap payments to their offshore post box or bank account, tell Uncle Sam that those payments are legally considered non-U.S. source income, and count the swap payments they receive as foreign income not subject to U.S. tax. Hedge funds are likely far from alone in sheltering their swap income from taxation by sending it offshore. Banks, securities firms, other financial firms and a lot of commercial firms may be doing the same thing.

Our bill would shut down that offshore game simply by recognizing reality—that swap payments sent from the United States are U.S. source income subject to taxation.

TITLE II—OTHER MEASURES TO COMBAT TAX HAVEN ABUSES

The second title of the bill concentrates on strengthening key domestic measures used to combat offshore tax abuse. Its provisions focus on strengthening corporate offshore disclosure requirements and nondisclosure penalties, anti-money laundering safeguards used to screen incoming offshore funds, procedures to authorize John Doe summonses used to uncover the identities of tax dodgers, and Foreign Bank Account Reports used to identify assets held offshore.

SECTION 201—COUNTRY-BY-COUNTRY REPORTING

Section 201 of the bill would tackle the problem of offshore secrecy that currently surrounds most multinational corporations by requiring them to provide basic information on a country-by-country basis to the investing public and government authorities.

Many multinationals today are complex businesses with sprawling operations that cross multiple international boundaries. In many cases, no one outside of the corporations themselves knows much about what a particular corporation is doing on a per

country basis or how its country-specific activities fit into the corporation's overall performance, planning, and operations.

The lack of country-specific information deprives investors of key data to analyze a multinational's financial health, exposure to individual countries' problems, and worldwide operations. There is also a lack of information to evaluate tax revenues on a country-specific basis to combat tax evasion, financial fraud, and corruption by government officials.

The lack of country-specific information impedes efficient tax administration and leaves tax authorities unable to effectively analyze transfer pricing arrangements, foreign tax credits, business arrangements that attempt to play one country off another to avoid taxation, and illicit tactics to move profits to tax havens.

For example, earlier this year, the Subcommittee hearing on Apple disclosed for the first time that it had three wholly owned subsidiaries in Ireland which claimed the bulk of Apple's sales income, but also claimed not to be tax resident in any country. One of those subsidiaries, Apple Operations International, had no physical presence at any address and, in thirty years of existence, no employees. It was run entirely from the United States, but claimed it was not a U.S. tax resident. Over a four year period from 2009 to 2012, it declared $30 billion in revenues, but paid no corporate income tax in the United States, Ireland, or any other jurisdiction. Apple Sales International, a second Irish subsidiary, received sales revenue over a three-year period, from 2009 to 2011, totaling $74 billion, but did not declare any of that income in the United States and apparently only a tiny fraction in Ireland. In 2011, for example, it paid no corporate income taxes at all in the United States and only $10 million in taxes in Ireland on $22 billion in income, producing an overall tax rate of five-hundreds of one percent. It is far from clear that either U.S. or Irish tax authorities were fully aware of the actions taken by Apple to avoid taxation in both countries.

Apple is far from alone. Over the last two years, other multinational corporations, including Starbucks, Amazon, Google, and others, have been excoriated for failing to pay taxes in countries where they have massive sales. Earlier this month, leaders of the G–20 countries declared aggressive multinational corporate tax avoidance through profit shifting was a global problem, and called for profits to be taxed where economic activities added value or produced profits. The G–20 leaders, including President Obama, committed their countries to engaging in automatic information sharing to stop tax evasion and to support an ongoing effort by the Organization for Cooperation and Economic Development the OECD to develop global tax principles aimed at ending corporate profit shifting and tax avoidance. They also endorsed an ongoing OECD effort to develop a standard template for multinational corporations to disclose their income and taxes on a per country basis.

Section 201 of our bill would help the United States carry out its G–20 commitment to combat multinational tax avoidance while also assisting U.S. investors and tax administrators to identify U.S. corporations engaged in profit shifting and tax avoidance. The bill would accomplish those objectives by requiring corporations that are registered with the Securities and Exchange Commission to provide an annual report with basic information about their operations on a country-by-country basis. Three types of information would have to be provided: the approximate number of corporate employees per country; the total amount of pre-tax gross revenues assigned by the corporation to each country; and the total amount of tax obligations and actual tax payments made by the corporation in each jurisdiction. This information would have to be provided by the corporation in a publicly available annual report filed with the SEC.

The bill requires disclosure of basic data that multinational corporations should already have. The data would not be burdensome to collect. It's just information that is not routinely released by many multinationals. It is time to end the secrecy that now enables too many multinationals to run circles around tax administrators.

In the case of the United States, the value of country-by-country data would provide critical information in the fight against rampant corporate tax evasion. An article by Professor Kimberly Clausing estimated that, in 2008 alone, ''the income shifting of multinational firms reduced U.S. government corporate tax revenue by about $90 billion,'' which was ''approximately 30 percent of corporate tax revenues.'' Think about that. Profit shifting—in which multinationals use various tactics to shift income to tax havens to escape U.S. taxes is—responsible for $90 billion in unpaid taxes in a single year. Over ten years, that translates into $900 billion—nearly a trillion dollars. It is unacceptable to allow that magnitude of nonpayment of corporate taxes to continue year after year in light of the mounting deficits facing this country and the sequestration that has been imposed.

Treasury data shows that the overall share of federal taxes paid by U.S. corporations has fallen dramatically, from 32 percent in 1952, to about 9 percent last year. A 2008 report by the Government Accountability Office found that, over an eight-year period, about 1.2 million U.S. controlled corporations, or 67 percent of the corporate tax returns filed, paid no federal corporate income tax at all, despite total gross receipts of $2.1 trillion. A more recent study found that, over a recent three year period, 30 of the largest U.S. multinationals, with more than $160 billion in profits, paid no federal income taxes at all. A 2013 GAO report found that, contrary to the statutory corporate income tax rate of up to 35 percent, in 2010, overall, large profitable corporations actually paid an effective tax rate of just 12.6 percent. At the same time that corporations are dodging payment of U.S. taxes, corporate misconduct is continuing to drain the U.S. treasury of billions upon billions of taxpayer dollars to combat mortgage fraud, oil spills, bank bailouts, and more.

Corporate nonpayment of tax involves a host of issues, but transfer pricing and offshore tax dodging by multinationals is a big part of the problem. Section 201 of the bill would take the necessary first step to stop transfer pricing abuses by requiring clear disclosures of basic corporate data on a country-by-country basis.

SECTION 202—$1 MILLION PENALTY FOR HIDING OFFSHORE STOCK HOLDINGS

Section 202 of the bill addresses a different offshore abuse. In addition to tax abuses, the 2006 Subcommittee investigation into the Wyly case history uncovered a host of troubling transactions involving U.S. securities held by the 58 offshore trusts and corporations associated with the two Wyly brothers. Over the course of a number of years, the Wylys had obtained about $190 million in stock options as compensation from three U.S. publicly traded corporations at which they were directors and major shareholders. Over time, the Wylys transferred those stock options to the network of offshore entities they had established.

The investigation found that, for years, the Wylys had generally failed to report the offshore entities' stock holdings or transactions in their filings with the Securities and Exchange Commission (SEC). They did not report those stock holdings on the ground that the 58 offshore trusts and corporations functioned as independent entities, even though the Wylys continued to direct the entities' investment and other activities. The public companies where the Wylys were corporate insiders also failed to include in their SEC filings information about the company shares held by the offshore entities, even though the companies knew of their close relationship to the Wylys, that the Wylys had provided the offshore entities with significant stock options, and that the offshore entities held large blocks of the company stock. On other occasions, the public companies and various financial institutions failed to treat the shares held by the offshore entities as affiliated stock, even though they were aware of the offshore entities' close association with the Wylys. The investigation found that, because both the Wylys and the public companies had failed to disclose the holdings of the offshore entities, for 13 years federal regulators had been unaware of those stock holdings and the relationships between the offshore entities and the Wyly brothers.

Corporate insiders and public companies are already obligated by current law to disclose stock holdings and transactions of offshore entities affiliated with a company director, officer, or major shareholder. In fact, in 2010, the SEC filed a civil complaint against the Wylys in connection with their hidden offshore holdings and alleged insider trading. Current penalties, however, appear insufficient to ensure compliance in light of the low likelihood that U.S. authorities will learn of transactions that take place in an offshore jurisdiction. To address this problem, Section 202 of the bill would establish a new monetary penalty of up to $1 million for persons who knowingly fail to disclose offshore stock holdings and transactions in violation of U.S. securities laws.

SECTIONS 203 AND 204—ANTI-MONEY LAUNDERING PROGRAMS

The next two sections of the bill seek to establish preventative programs to screen offshore money being sent into the United States through private investment funds.

The Subcommittee's 2006 investigation showed that the Wyly brothers used two hedge funds and a private equity fund controlled by them to funnel millions of untaxed offshore dollars into U.S. investments. Other Subcommittee investigations provide extensive evidence of the role played by U.S. formation agents in assisting U.S. persons to set up offshore structures as well as U.S. shell companies later used in illicit activities, including tax evasion, money laundering, and other misconduct. Because hedge funds, private equity funds, and formation agents are as vulnerable as other financial institutions to money launderers seeking entry into the U.S. financial system, the bill contains two provisions aimed at ensuring that these groups know who their clients are and do not transmit suspect funds into the U.S. financial system.

Currently, hedge funds and private equity funds are free to transmit substantial offshore funds into the United States without the same safeguards that apply to other financial institutions—anti-money laundering programs that require them to know their customers, understand where substantial funds are coming from, and report suspicious activity. There is no reason why this sector of our financial services industry should continue to serve as an unfettered gateway into the U.S. financial system for substantial funds that could be connected to tax evasion, money laundering, terrorism, drug trafficking, or other misconduct.

In 2001, after the 9/11 terrorist attack, the Patriot Act required all U.S. financial institutions to put anti-money laundering programs in place. Eleven years ago, in 2002, in compliance with the Patriot Act, the Treasury Department proposed anti-money laundering regulations for hedge funds and private equity companies, but never finalized them. In 2008, the Department withdrew them with no explanation. Section 203 of the bill would require Treasury to get back on track and issue final anti-money laundering regulations for investment advisors to hedge funds and private equity companies registered with the SEC. Treasury would be free to draw upon its 2002 proposal, and would have 180 days after enactment of the bill to propose a rule and another 270 days to finalize it and put in place the same types of safeguards that now apply to all other financial firms.

In addition, Section 204 of the bill would add formation agents to the list of persons with anti-money laundering obligations. For the first time, those engaged in the business of forming corporations, trusts, and other entities, both offshore and in the 50 States, would be responsible for knowing who their clients are and avoiding suspect funds. The bill directs Treasury to develop anti-money laundering regulations for this group in a little over a year. Treasury's key anti-money laundering agency, the Financial Crimes Enforcement Network, testified before the Subcommittee in 2006, that it was considering drafting such regulations but seven years later has yet to do so. Section 204 also creates an exemption for government personnel and for attorneys who use paid formation agents when forming entities for their clients. Because paid formation agents would already be subject to anti-money laundering obligations under the bill, there would be no reason to simultaneously subject attorneys using their services to the same anti-money laundering requirements.

We expect and intend that, as in the case of all other entities required to institute anti-money laundering programs, the regulations issued in response to this bill would instruct hedge funds, private equity funds and formation agents to adopt risk-based procedures that would concentrate their due diligence efforts on clients and funds that pose the highest risks of injecting suspect funds into the United States.

SECTION 205—IRS JOHN DOE SUMMONS

Section 205 of the bill focuses on an important tool used by the IRS in recent years to uncover taxpayers involved in offshore tax schemes, known as a John Doe summons. Section 205 would make three technical changes to make the use of a John Doe summons more effective in offshore and other complex investigations.

A John Doe summons is an administrative IRS summons used to request information in cases where the identity of a taxpayer is unknown. In cases involving a known taxpayer, the IRS may issue a summons to a third party to obtain information about that U.S. taxpayer, but must also notify the taxpayer who then has 20 days to petition a court to quash the summons to the third party. With a John Doe summons, however, the IRS does not have the taxpayer's name and does not know where to send the taxpayer notice, so the statute substitutes a procedure in which the IRS must instead apply to a court for advance permission to serve the summons on the third party. To obtain approval of the summons, the IRS must show the court, in public filings to be resolved in open court, that: (1) the summons relates to a particular person or ascertainable class of persons, (2) there is a reasonable basis for concluding that there is a tax compliance issue involving that person or class of persons, and (3) the information sought is not readily available from other sources.

In recent years, the IRS has used John Doe summonses to obtain information about taxpayers operating in offshore secrecy jurisdictions. For example, the IRS obtained court approval to serve a John Doe summons on a Swiss bank, UBS AG, to obtain the names of thousands of U.S. clients who opened UBS accounts in Switzerland without disclosing those accounts to the IRS. That landmark effort to overcome Swiss secrecy laws led to the bank's turning over thousands of U.S. client names to the United States and to the Swiss government's announcing it would no longer use its secrecy laws to protect U.S. tax evaders. In earlier years, the IRS obtained court approval to issue John Doe summonses to credit card associations, credit card processors, and credit card merchants, to collect information about taxpayers using credit cards issued by offshore banks. This information has led to many successful cases in which the IRS has identified funds hidden offshore and recovered unpaid taxes.

Currently, however, use of the John Doe summons process is time consuming and expensive. For each John Doe summons involving an offshore secrecy jurisdiction, the IRS has had to establish in court that the involvement of accounts and transactions in that offshore secrecy jurisdiction meant that there was a significant likelihood of tax compliance problems. To relieve the IRS of the need to make this same proof over and over in court after court, the bill would provide that, in any John Doe summons proceeding involving a class defined in terms of a correspondent or payable-through account involving a non-FATCA institution, the court may presume that the case raises tax compliance issues. This presumption would then eliminate the need for the IRS to repeatedly establish in court the obvious fact that accounts at non-FATCA institutions raise tax compliance issues.

In addition, Section 205 would streamline the John Doe summons approval process in large ''project'' investigations where the IRS anticipates issuing multiple summonses to definable classes of third parties, such as banks or credit card associations, to obtain information related to particular taxpayers. Right now, for each summons issued in connection with a

project, the IRS has to obtain the approval of a court, often having to repeatedly establish the same facts before multiple judges in multiple courts. This repetitive exercise wastes IRS, Justice Department, and court resources, and fragments oversight of the overall IRS investigative effort.

To streamline this process and strengthen court oversight of IRS use of John Doe summons, the bill would authorize the IRS to present an investigative project, as a whole, to a single judge to obtain approval for issuing multiple summonses related to that project. In such cases, the court would retain jurisdiction over the case after approval is granted, to exercise ongoing oversight of IRS issuance of summonses under the project. To further strengthen court oversight, the IRS would be required to file a publicly available report with the court on at least an annual basis describing the summonses issued under the project. The court would retain authority to restrict the use of further summonses at any point during the project.

SECTION 206—FBAR INVESTIGATIONS AND SUSPICIOUS ACTIVITY REPORTS

Section 206 of the bill contains several provisions to strengthen the ability of the IRS to enforce the Foreign Bank Account Report (FBAR) requirements and clarify the right of access by IRS civil enforcement authorities to Suspicious Activity Reports.

Under present law, a person controlling a foreign financial account with over $10,000 is required to check a box on his or her income tax return and, under Title 31, also file an FBAR form with the IRS. Treasury has delegated to the IRS responsibility for investigating FBAR violations and assessing FBAR penalties. Because the FBAR enforcement jurisdiction derives from Title 31, however, the IRS has set up a complex process for when its personnel may use tax return information when acting in its role as FBAR enforcer. The tax disclosure law, in Section 6103(b)(4) of the tax code, permits the use of tax information only for the administration of the internal revenue laws or ''related statutes.'' To implement this statutory requirement, the IRS currently requires its personnel to determine, at a managerial level and on a case by case basis, that the Title 31 FBAR law is a ''related statute.'' Not only does this necessitate a repetitive determination in every FBAR case before an IRS agent can look at the potential non-filer's income tax return to determine if such filer checked the FBAR box, but it also prevents the IRS from comparing FBAR filing records to bulk data on foreign accounts received from tax treaty partners to find non-filers.

One of the stated purposes for the FBAR filing requirement is that such reports ''have a high degree of usefulness in . . . tax . . . investigations or proceedings.'' 31 U.S.C. §5311. If one of the reasons for requiring taxpayers to file FBARs is to use the information for tax purposes, and if the IRS has been charged with FBAR enforcement because of the FBARs' close connection to tax administration, common sense dictates that the FBAR statute should be viewed as a ''related statute'' for tax disclosure purposes. Section 206(a) of the bill would make that clear by adding a provision to Section 6103(b) of the tax code deeming FBAR-related statutes to be ''related statutes,'' thereby allowing IRS personnel to make routine use of tax return information when working on FBAR matters.

The second change that would be made by Section 206 is an amendment to simplify the calculation of FBAR penalties. Currently the penalty is determined in part by the balance in the foreign bank account at the time of the ''violation.'' The violation has been interpreted to have occurred on the due date of the FBAR return, which is June 30 of the year following the year to which the report relates. The statute's use of this specific June 30th date can lead to strange results if money is withdrawn from the foreign account after the reporting period closed but before the return due date. To eliminate this unintended problem, Section 206(b) of the bill would instead calculate the penalty using the highest balance in the account during the covered reporting period.

The third part of Section 206 relates to Suspicious Activity Reports or SARs, which financial institutions are required to file with the Financial Crimes Enforcement Center (FinCEN) of the Treasury Department when they encounter suspicious transactions. FinCEN is required to share this information with law enforcement, but currently does not permit IRS civil investigators access to the information, even though IRS civil investigators are federal law enforcement officials. Sharing SAR information with civil IRS investigators would likely prove very useful in tax investigations and would not increase the risk of disclosure of SAR information, because IRS civil personnel operate under the same tough confidentiality rules as IRS criminal investigators. In some cases, IRS civil agents are now issuing an IRS summons to a financial institution to get access, for a production fee, to the very same information the financial institution has already filed with Treasury in a SAR. Section 206(c) of the bill would end that inefficient and costly practice by making it clear that ''law enforcement'' includes civil tax law enforcement.

TITLE III—ENDING CORPORATE OFFSHORE TAX AVOIDANCE

The first two titles of the bill focus primarily on strengthening tools needed to identify, stop, and punish offshore tax evasion, concentrating on activities that, for the most part, are already illegal. Another problem, however, are actions taken by multinational corporations to exploit loopholes in our tax code. Title III of the bill seeks to close loopholes that contribute to offshore tax abuse and create incentives for U.S. corporations to send jobs and operations offshore. Most of these provisions are modeled after recommendations made by the President in his budget proposals.

Earlier this month, the G–20 leaders endorsed efforts to prevent tax avoidance and tax evasion through offshore structures. They stated that ''international tax rules, which date back to the 1920's, have not kept pace with the changing business environment, including the growing importance of intangibles and the digital economy.'' They agreed that base erosion and profit shifting (BEPS) deprives countries across the world of the funds needed to finance their governments, and results in an unfair burden on the citizens who must make up the lost revenues through increased taxes. The G–20 leaders issued a declaration that ''we must move forward in fighting BEPS practices so that we ensure a fair contribution of all productive sectors to the financing of public spending in our countries.''

The provisions we are offering today would help do just that.

SECTION 301—ALLOCATION OF EXPENSES AND TAXES ON THE BASIS OF REPATRIATION OF FOREIGN INCOME

Section 301 addresses two key loopholes in the taxation of multinational corporations. First, it would stop corporations from taking current deductions for expenses arising from moving assets and operations abroad while being able to still defer paying U.S. income taxes on the income generated from those assets and operations.

Offshore Expenses. Under current law, a multinational corporation can lower its U.S. taxes by taking deductions for offshore expenses currently, while deferring paying taxes on its related income. For example, if a U.S.-based company borrows money in the United States to build a factory offshore, then it can deduct currently the interest expense it pays on the loan from its U.S. taxes. It can also deduct currently the expenses of moving materials to the offshore factory and for operating the offshore factory on an ongoing basis. But the company doesn't have to pay U.S. taxes on any of the income arising from its offshore factory operations until it chooses to return that income to the United States. The end result is that the multinational corporation currently deducts the offshore expenses from its taxable income, while deferring taxes on the offshore income related to those expenses. That deduction-income mismatch creates a tax incentive for corporations to move their operations, jobs, and profits offshore.

Section 301 of the bill would eliminate that offshore incentive by allowing multinationals to claim deductions only for the expenses of producing foreign income when they have repatriated the income back to the U.S. parent corporation and paid taxes on it. For corporations that choose to immediately repatriate, and thus pay taxes

on, their foreign earnings, the bill would present no change from current tax policy. But for multinational corporations that park their overseas earnings outside the United States, and defer paying any taxes on those earnings, the bill would no longer allow them to claim U.S. tax deductions for expenses associated with those same overseas operations, again, unless and until they return the profits to the United States and pay taxes on them.

It simply does not make sense for American taxpayers to subsidize the offshoring of American jobs and operations—but that is exactly what the current tax code is doing. The bill being introduced today would stop that unjustified tax subsidy.

This provision has been proposed in various forms in the President's budget proposals, and is estimated by the Joint Committee on Taxation to raise $60 billion over ten years.

Foreign Tax Credits. The second loophole addressed by Section 301 would fix a complex mathematical game played by multinational corporations with how they calculate their foreign tax credits. Our proposal, which the President has included in his budget proposals, would close the loophole that allows multinationals to use excess foreign tax credits from higher tax jurisdictions to shelter income run through lower tax jurisdictions from U.S. taxes. There is bipartisan agreement that this issue needs to be addressed.

The first part of this mathematical game is straightforward. Under current law, the tax code protects U.S. taxpayers from double taxation of foreign income by allowing them to claim a foreign tax credit for taxes paid to a foreign jurisdiction. Those foreign tax credits can be used to offset U.S. income taxes owed by the corporation.

Here is an example. Suppose ABC Corporation, a U.S. multinational corporation, has $100 in income in Higher Tax Country where it is taxed at 40 percent, and another $100 in income in Lower Tax Country where it is taxed at 0 percent. Because ABC Corp. paid $40 in taxes to Higher Tax Country, it would generate a $40 foreign tax credit which it could immediately use to lower its U.S. taxes when it repatriates the foreign income.

Now here is where it gets a bit more complex. Under current law, the corporation can use some of the foreign tax credits generated from paying taxes in one country to shield from U.S. taxes foreign income attributed to another country, including a tax haven.

Right now, if a corporation earns foreign tax credits from a higher tax jurisdiction and those tax credits exceed the amount used to offset the corporation's U.S. tax liability upon repatriation, current law allows those excess credits to be applied to offset U.S tax on income repatriated from a lower-tax jurisdiction, typically a tax haven.

Let's go back to our example, using the current maximum U.S. corporate tax rate of 35 percent. ABC Corp. has generated a $40 foreign tax credit from the taxes it paid to Higher Tax Country. The $40 foreign tax credit allows ABC Corp. to repatriate all $100 of its income from Higher Tax Country free of U.S. tax. Since that income had already been taxed by Higher Tax Country, it is reasonable under the principle of avoiding double taxation that the corporation should not have to pay any further U.S. tax on that income.

But repatriating that $100 would use up only $35 of the corporation's $40 foreign tax credit, with a $5 foreign tax credit left over. Under current law, the corporation could then repatriate another $14 of offshore income from Lower Tax Country, and use its left over $5 foreign tax credit to shelter that income from U.S. taxes. But foreign tax credits are supposed to prevent double taxation of the same income, not shield foreign income from any taxation at all. By allowing that use of excess foreign tax credits, the tax code encourages multinationals to run income through tax havens.

To change that outcome, the bill would require corporations to pool their foreign tax credits. The bill would then limit the amount of tax credits that could be used, by allowing only that percent of its foreign tax credits equal to the percent of foreign income that the corporation has repatriated that year. For example, if the corporation repatriated only 10 percent of its foreign income, it could use only 10 percent of its foreign tax credits.

By aggregating the foreign tax credits of multinational corporations, the bill would remove the tax incentive for locating offshore income in low-tax jurisdictions, while leveling the global playing field for multinationals operating in multiple countries. The Joint Committee on Taxation has estimated that this provision would raise $55 billion over 10 years.

SECTION 302—EXCESS INCOME FROM TRANSFERS OF INTANGIBLES TO LOW-TAXED AFFILIATES

Section 302 of the bill addresses the problem of corporate transfers of intangible property offshore, an area rampant with tax abuse.

Intangible property includes such valuable items as patents, trademarks, and marketing and distribution rights. Under U.S. tax law, if a multinational corporation has valuable intellectual property, it can sell that property to its wholly-owned offshore subsidiary. So long as the corporation complies with a set of complicated ''transfer pricing'' rules, the corporation can then treat any income generated from that intellectual property as offshore income, and defer paying U.S. taxes on it.

Current transfer pricing rules are intended to ensure that the U.S. parent receives fair compensation in return for the sale of its property rights to its offshore subsidiary, but these rules are not working.

Last year, the Subcommittee held a hearing exposing how the current system works in a case history involving Microsoft. The hearing showed how Microsoft sold key intellectual property rights to an Irish subsidiary it had established for $2.8 billion. That subsidiary then turned around and sold the rights to other Microsoft offshore subsidiaries for $9 billion, immediately shifting more than $6 billion in profits offshore, without paying any U.S. taxes.

But Microsoft did not stop there. The U.S. parent also sold the right to market its products in North and South America to another offshore subsidiary and then bought back from that same subsidiary the right to sell Microsoft products in the United States in exchange for payment of licensing fees. In 2011, its offshore licensing agreement translated into Microsoft sending 47 cents of every U.S. sales dollar to its offshore subsidiary, shifting even more U.S. source income offshore. In total, over a three-year period, Microsoft used its transfer pricing gimmick to avoid paying $4.5 billion in U.S. corporate income taxes, or $4 million in taxes per day. Think about that. Microsoft products are developed here. They are sold here, to customers here. And yet Microsoft paid no taxes here on nearly half of its U.S. sales income, because current U.S. tax law allowed Microsoft to send that money offshore and defer indefinitely paying U.S. taxes on it.

The code currently includes provisions, particularly Sections 367(d) and 482, designed to stop multinationals from improperly transferring property offshore to avoid U.S. taxes. Those provisions, and the corresponding regulations, require that transfers of property from a U.S. parent to a ''controlled foreign corporation,'' or CFC, be conducted at an ''arms-length'' price. The problem, however, is that determining an arms-length price for an intellectual property transaction demands analysis of complex facts with no decisive evidence of the proper price. Every case requires expensive and time consuming analysis by the IRS as well as expensive and time consuming litigation if the IRS decides to try to overturn an abusive transaction.

Section 302 of the bill would help erect a backstop to prevent unfair valuations of intellectual property being used to send money offshore. Specifically, if evidence indicated that the transferred property's value exceeded 150 percent of the transfer price, and it was transferred to a tax haven, then all gross income attributed to the use of such transferred property over 150 percent of the costs allocated to such gross income would be treated as Subpart F income subject to U.S. taxation. In the case of Microsoft, for example, since the re-transfer of its intellectual property rights for $9 billion exceeded the original transfer price of $2.8 billion by more than 150 percent, it would have triggered taxation on the excess amount. While the Microsoft transactions may very well violate existing transfer pricing laws based on

arms-length determinations, Section 302 would make explicit that when offshore transfers result in large profits being transferred to an offshore CFC, those excess profits are subject to immediate taxation by the United States, without mandating a complex arms-length evaluation.

Section 302 has been designed to avoid taxation of legitimate business transfers. For example, to avoid capturing income related to legitimate business operations by the foreign subsidiary using intangible property, income derived from such subsidiary's actual use in the country would be entirely excluded from any excess income calculation. Further, to avoid impacting legitimate operations that simply earn high rates of return due to a business success, the provision targets only profits that are not taxed by the foreign jurisdiction. To do so, this provision exempts income that is taxed by a foreign jurisdiction at a rate of more than 15 percent, with a phase out set for rates between 10 percent and 15 percent. In most cases, this exemption would limit the impact of the provision so that it would affect only subsidiaries located in tax haven jurisdictions, which, of course, are the most likely candidates for abuse.

We are not alone in targeting transfer pricing abuses involving intellectual and other intangible property. The international community has recognized the severity of these abuses when the G–20 leaders recently called for ''ensuring that profits associated with the transfer and use of intangibles are appropriately allocated in accordance with (rather than divorced from) value creation.'' The leaders went on to endorse ''developing transfer pricing rules or special measures for transfer of hard-to-value intangibles.''

Section 302 does not change U.S. transfer pricing rules generally. Instead it simply creates a backstop to ensure that a corporation cannot avoid taxes by transferring its property to an offshore subsidiary in a tax haven, and then enjoy windfall profits far in excess of the transfer price without paying U.S. taxes. While the new transfer pricing provision would still depend upon strong enforcement by the IRS, it would put in place a new bright-line approach that would deter some of the worst offshore transfer pricing abuses now going on.

Section 302 has been estimated by the Joint Committee on Taxation to raise $21.5 billion over ten years.

SECTION 303—LIMITATIONS ON INCOME SHIFTING THROUGH INTANGIBLE PROPERTY TRANSFERS

As just noted, our current tax code makes it far too easy for U.S. multinational corporations to shift intangible property to tax havens through transfer pricing and other similar schemes. In addition, as noted earlier, tax enforcement authorities are faced with the difficulty of valuing each property involved in a questionable transfer pricing transaction.

Section 303 would address these problems by clarifying current law that the IRS is fully authorized to use certain common sense valuation methods for determining the proper valuation of intangible property transfers. Specifically, this section authorizes Treasury to promulgate rules regarding the valuation of transferred intangible property. In particular, if deemed the ''most reliable means of valuation'' by the Secretary, tax enforcement officials would be allowed to aggregate offshore transfers by a company for the purpose of valuation. And, under this provision, tax officials could consider realistic alternatives to the transfer in developing their valuations, if such alternatives would lead to the most reliable valuation.

By providing tax enforcement authorities with the flexibility needed to perform realistic and more accurate assessments of the value of transferred intangible property, we would improve both the accuracy of enforcement and the fairness of our tax code. The Joint Committee on Taxation has estimated that this provision would raise about $1.7 billion over ten years.

SECTION 304—REPEAL OF ''CHECK-THE-BOX'' RULE FOR FOREIGN ENTITIES AND THE CFC ''LOOK-THROUGH'' RULE

Section 304 of the bill addresses another key offshore tax abuse: use of the so-called ''check-the-box'' and CFC ''look-through'' rules to avoid paying U.S. corporate income taxes on passive offshore income. Both provisions enable multinational corporations to avoid taxation of offshore passive income which, under Subpart F of the tax code, is supposed to be taxed. Both provisions discourage repatriation of offshore profits, discourage U.S. investment, and deprive the U.S. Treasury of tens of billions of dollars.

To better understand this Section, it may be helpful to examine some general tax principles and a little bit of history. The first principle is that, if a U.S. corporation earns income from an active business activity offshore, the corporation generally owes no U.S. tax until the income is returned to the United States. This principle is known as deferral. It is meant to defer taxes on active businesses such as a U.S. parent's foreign subsidiary selling products in another country.

The deferral principle is also subject to a big exception in Subpart F of the tax code. Subpart F provides that deferral of taxes is not permitted for passive, inherently mobile income such as interest, dividend, or royalty income. The reason is that passive income can be earned anywhere—in the United States or outside of it—and, if taxes are deferred on offshore passive income, it would create an enormous incentive for U.S. corporations to send their funds offshore. To eliminate that incentive, Subpart F makes passive income immediately taxable, even when the income is offshore. Subpart F's effort to remove the incentive to send U.S. funds offshore, however, has been largely undermined by regulations, temporary statutory changes, and weak IRS enforcement, not to mention numerous tax gimmicks devised by multinational corporations.

One key problem is the 1997 so-called ''check-the-box'' regulation, which allows a business enterprise to declare what type of legal entity it wants to be considered for federal tax purposes by simply checking a box. This rule was issued by the IRS without any statutory direction. It was intended to stop expensive and unproductive litigation and confusion over whether to treat business entities as taxable entities or as flow-through entities whose taxes had to be paid by their owners. It was in response to many states creating new business forms in the years leading up to its adoption. Since different states used different names with slightly different characteristics, the regulation was intended to help provide relief for taxpayers who were having difficulty determining whether they should be taxed at the entity level, or have the income pass through to its owners. It was almost exclusively viewed as a domestic tax law issue.

Almost as soon as it was issued, however, multinational corporations began to use the rule, not as a way of determining who should be taxed, but as a way to get around paying any taxes at all on passive offshore income under Subpart F.

A little over a year after its adoption, after it became clear that the rule would be abused to circumvent Subpart F taxation of passive income, Treasury attempted to revoke the check the box option. That effort was met with such opposition from industry groups, however, that it was abandoned. In 2006, in response to corporate pressure to provide a statutory basis for the check the-box rule, Congress enacted Section 954(c)(6), the so-called CFC look-through rule, which excludes certain passive income transferred between related offshore entities from Subpart F taxation. That provision was so costly, however, that it was enacted for only a three-year period. After it expired in 2009, the provision was revived and has been twice extended, both times on a temporary basis. It is currently in effect, but will expire at the end of this year unless extended again.

Using the check-the-box and CFC look-through rules to avoid Subpart F taxation requires planning and multiple offshore subsidiaries, which is why it benefits large multinational corporations, giving them an advantage over their domestic competitors. One common tactic has been for a U.S. parent corporation to establish an offshore subsidiary that earns active sales income whose taxes can be deferred indefinitely. The U.S. parent also establishes other subsidiaries in tax havens and typically drains money from the active business by requiring it to pay dividends, interest on intercompany loans, royalty income, or licensing fees to the tax haven subsidiaries. Then, instead of paying taxes on that passive income under Subpart F, the U.S. parent uses the check-the-box rule to

treat its tax haven subsidiaries as ''disregarded entities,'' making them invisible for U.S. tax purposes and leaving only the active business whose taxes can be deferred indefinitely.

The 2012 Apple hearing held by my Subcommittee provided a real life example. That hearing disclosed that Apple Inc., the U.S. parent, formed three wholly owned subsidiaries in Ireland, as well as subsidiaries in other countries that actually sold Apple products in Europe, Asia and Africa. Apple required the sales businesses to transfer most of their profits to one of the Irish subsidiaries, Apple Sales International, through licensing and other fees. In three years, those businesses sent sales revenues to Apple Sales International totaling $74 billion. Apple Sales International did not keep all of those funds; it issued dividends totaling $30 billion to another Apple Irish subsidiary, Apple Operations International. Under Subpart F, both Apple Sales International and Apple Operations International should have paid U.S. taxes on the passive income they received, but neither did. Instead, Apple Inc. used check-the-box to treat its Irish subsidiaries as disregarded entities for tax purposes and then deferred taxes on the sales income of their active business subsidiaries, even though those businesses did not actually retain most of the sales income. The end result was that check-the-box enabled Apple to circumvent Subpart F's immediate taxation of its offshore passive income.

The loss to the U.S. Treasury from these types of offshore check-the-box arrangements is enormous. Investigations conducted by my Subcommittee have found, for example, that for fiscal years 2009, 2010 and 2011, Google used check-the-box to defer taxes on over $24.2 billion in offshore passive income covered by Subpart F. Microsoft deferred $21 billion in the same period.

Section 304 would put an end to this type of tax avoidance and revitalize Subpart F by prohibiting the application of the check-the-box rule to offshore entities and by eliminating the CFC look-through rule altogether. The Joint Committee on Taxation has estimated that this provision would raise $78 billion over ten years.

SECTION 305—PROHIBITION ON OFFSHORE LOAN ABUSE

The final provision in the bill, Section 305, addresses another offshore abuse uncovered by my Subcommittee: the misuse of tax provisions that allow offshore funds to be repatriated tax free to the United States when provided as short term loans.

To understand this Section, it is again important to examine some general tax principles. One of those principles is that a U.S. parent corporation is supposed to be taxed on any profits sent to it by an offshore subsidiary, which is often called ''repatriation.'' If an offshore subsidiary loans money to its U.S. parent, that is also subject to U.S. taxes. In both cases, the funds sent to the United States are to be treated as taxable dividends.

Once again, however, those simple tax principles have been subverted in practice by complex exclusions and limitations. Section 956 of the tax code is the provision that makes a loan from an offshore affiliate to a U.S. parent subject to U.S. tax. Although the law contains no exceptions or limits on the loans covered, the IRS has issued regulations that create exceptions for certain types of short term loans. The IRS regulations provide, for example, that offshore loans may be excluded from taxation if they are repaid within 30 days, as are all loans made over the course of a year if they are outstanding for less than 60 days in total. In addition, the IRS permits a controlled foreign corporation—a CFC—to loan offshore funds to a related U.S. entity to escape U.S. taxation, if the loan is initiated and concluded before the end of the CFC's calendar quarter. Those loans are not subject to the 30 day limit, and don't count against the aggregate 60 day limit for the fiscal year. The IRS has also declared that the limitations on the length of loans apply separately to each CFC of a U.S. corporation. So when aggregated, all loans for all CFCs could be outstanding for more than 60 days in total.

An investigation conducted by my Subcommittee found that U.S. multinationals have used the IRS' convoluted short term loan provisions to orchestrate a constant stream of offshore loans from their foreign subsidiaries without ever exceeding the 30 or 60 day limits or extending over the end of a CFC's quarter. Instead of ensuring that taxes are paid on offshore funds returned to the United States, Section 956 has been converted by the IRS regulations into a mechanism used to get billions of dollars back into the United States tax free.

This offshore tax scheme was illustrated in a 2012 Subcommittee hearing that showed how Hewlett-Packard has, for years, used a short term loan program to avoid paying U.S. taxes on billions of dollars in offshore income used to run its U.S. operations. Hewlett-Packard obtained the offshore cash by directing two of its controlled foreign corporations in Belgium and the Cayman Islands to provide serial, alternating loans to its U.S. operations. For a four year period, from March 2008 to September 2012, Hewlett-Packard used those intercompany loans to seamlessly provide an average of about $3.6 billion per day for use in its U.S. operations, claiming the funds were tax-free, short term loans of less than 30 days duration under Section 956.

Section 305 would put an end to this repatriation sleight of hand by eliminating the provision allowing offshore funds returned to the United States under the guise of short term loans to escape U.S. taxation. Instead, it would reaffirm the general principle that offshore funds returned to the United States are subject to U.S. taxes.

Conclusion. Offshore tax abuses eat at the fabric of society, not only by widening deficits and robbing health care, education, and other needed government services of resources, but also by undermining public trust—making law-abiding taxpayers feel like they are being taken advantage of when they pay their fair share. Tax law is complicated, and where most Americans see an inscrutable maze, too many profitable companies and wealthy individuals see an opportunity to avoid paying taxes. Our commitment to crack down on their tax-avoidance schemes must be as strong as their determination to get away with ripping off Uncle Sam and moving their tax burden onto the backs of the rest of American taxpayers.

Our nation is suffering greatly from the effects of sequestration, which were brought on by our failure to reach an agreement on a balanced mix of spending cuts and revenue increases. If we are serious about finding a solution to mindless sequestration cuts and our nation's repeated budget battles, we must look at the offshore tax avoidance abuses that rob our Treasury of the funds needed to pay our soldiers, help the sick, research cures for diseases, educate students, and invest in our future. Putting the burden of funding our government on the backs of hardworking American families and domestic businesses, while letting a sophisticated minority of multinational corporations get away with these types of offshore gimmicks, is grossly unfair.

We can fight back against offshore tax abuses if we summon the political will. The Stop Tax Haven Abuse Act, which is the product of years of work, including hearings and reports of the Permanent Subcommittee on Investigations, offers the tools needed to close the tax haven loopholes and use the hundreds of billions of dollars which will come to our Treasury as part of a sensible balanced deficit reduction substitute for the damaging irrationality of sequestration.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

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

SUMMARY OF THE STOP TAX HAVEN ABUSE ACT, SEPTEMBER 19, 2013

The Levin-Whitehouse-Begich-Shaheen Stop Tax Haven Abuse Act would:

TITLE I—DETERRING THE USE OF TAX HAVENS FOR TAX EVASION

Authorize special measures to stop offshore tax abuse (§101) by allowing Treasury to take specified steps against foreign jurisdictions or financial institutions that impede U.S. tax enforcement, including prohibiting U.S. banks from doing business with a designated foreign bank.

Strengthen FATCA (§102) by clarifying when, under the Foreign Account Tax Compliance Act, foreign financial institutions and U.S. persons must report foreign financial accounts to the IRS.

Establish rebuttable presumptions to combat offshore secrecy (§102) in U.S. tax and securities law enforcement proceedings by

shifting to the U.S. taxpayer, who takes advantage of the related loopholes, the burden of proving: who controls an offshore entity; when money sent to or received from offshore is taxable income; and when offshore accounts have sufficient funds to trigger a reporting obligation.

Stop companies incorporated offshore but managed and controlled from the United States from claiming foreign status (§ 103) and avoiding U.S. taxes on their foreign income by treating them as U.S. domestic corporations for tax purposes.

Strengthen detection of offshore activities (§ 104) by requiring U.S. financial institutions that open accounts for foreign entities controlled by U.S. clients or open foreign accounts in non-FATCA institutions for U.S. clients to report the accounts to the IRS.

Close the offshore swap payments loophole (§ 105) by treating swap payments that originate in the United States as taxable U.S. source income.

TITLE II-OTHER MEASURES TO COMBAT TAX HAVEN ABUSES

(Require annual country-by-country reporting (§ 201) by SEC-registered corporations to disclose their 7, employees, gross revenues, and tax payments on a per country basis.

Establish a penalty on corporate insiders who hide offshore holdings (§ 202) with a securities law fine of up to $1 million per violation.

Require anti-money laundering programs (§§ 203 and § 204) for private funds and formation agents to ensure they screen high risk clients and offshore funds.

Strengthen John Doe summons (§ 205) by streamlining court procedures used by the IRS to obtain these summons, while also strengthening court oversight.

Combat hidden foreign financial accounts (§ 206) by facilitating IRS use of Foreign Bank Account Reports and Suspicious Activity Reports, and simplifying penalties for unreported foreign accounts.

TITLE III—ENDING CORPORATE OFFSHORE TAX AVOIDANCE

Eliminate incentives for offshoring jobs and operations (§ 301) by deferring corporate tax deductions for expenses related to deferred income so that, for example, a U.S. corporation could not take a tax deduction for building a plant offshore until it also declared and paid taxes on income produced by that plant.

Stop foreign tax credit manipulation (§ 301) by requiring foreign tax credits to be considered on a pooled basis.

Limit incentives to move intellectual property and related marketing rights offshore (§§ 302 and 303) by taxing excess income earned from transferring that property offshore to a related foreign entity, and by allowing the IRS to use common sense methods to value the transferred property.

Repeal check-the-box rule for foreign entities and CFC look-through rule (§ 304) to stop U.S. multinationals from disregarding their offshore subsidiaries to avoid U.S. taxes on passive income.

Stop offshore loan abuse (§ 305) by preventing multinationals from artificially repatriating offshore funds tax-free by treating them as short-term loans from their offshore subsidiaries to their U.S. operations.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I applaud the senior Senator from Michigan for his persistence on this matter. He has brought the attention of the Senate to it time and time again, as well as that of the American public. Let us hope he is listened to. He should be.

Mr. LEVIN. I thank my good friend from Vermont.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 241—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. NELSON submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 241

Resolved,

SECTION 1. GENERAL AUTHORITY.

In carrying out its powers, duties, and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging (in this resolution referred to as the ''committee'') is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion to—

(1) make expenditures from the contingent fund of the Senate;

(2) employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. EXPENSES.

(a) PERIOD ENDING SEPTEMBER 30, 2014.—The expenses of the committee for the period October 1, 2013 through September 30, 2014 under this resolution shall not exceed $2,375,377, of which amount, not to exceed $10,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) PERIOD ENDING FEBRUARY 28, 2015.—The expenses of the committee for the period October 1, 2014 through February 28, 2015 under this resolution shall not exceed $989,740, of which amount, not to exceed $4,000 may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES OF THE COMMITTEE.—

(1) IN GENERAL.—Except as provided in paragraph (2), expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 242—SUPPORTING THE GOALS AND IDEALS OF ''GROWTH AWARENESS WEEK''

Mr. KIRK submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 242

Whereas, according to the Pictures of Standard Syndromes and Undiagnosed Malformations database (commonly known as the ''POSSUM'' database), more than 600 serious diseases and health conditions cause growth failure;

Whereas health conditions that cause growth failure may affect the overall health of a child;

Whereas short stature may be a symptom of a serious underlying health condition;

Whereas growth failure in children is often undiagnosed;

Whereas, according to the MAGIC Foundation for Children's Growth, 48 percent of children in the United States who were evaluated for the 2 most common causes of growth failure were undiagnosed with growth failure;

Whereas the longer a child with growth failure goes undiagnosed, the greater the potential for damage and higher costs of care;

Whereas early detection and a diagnosis of growth failure are crucial to ensure a healthy future for a child with growth failure;

Whereas raising public awareness of, and educating the public about, growth failure is a vital public service;

Whereas providing resources for identification of growth failure will allow for early detection; and

Whereas the MAGIC Foundation for Children's Growth has designated the third week of September as ''Growth Awareness Week'': Now, therefore, be it

Resolved, That the Senate—

(1) designates the third week of September 2013 as ''Growth Awareness Week''; and

(2) supports the goals and ideals of ''Growth Awareness Week''.

SENATE RESOLUTION 243—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. SANDERS submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 243

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI

of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $2,178,117, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $9,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $907,549, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 244—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 244

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2.(a) The expenses of the Committee for the period from October 1, 2013, through September 30, 2014, under this resolution shall not exceed $6,583,591, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period from October 1, 2014, through February 28, 2015, expenses of the Committee under this resolution shall not exceed $2,743,163, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations'' of the Senate.

SENATE RESOLUTION 245—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mrs. FEINSTEIN submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 245

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Select Committee on Intelligence is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2.(a) The expenses of the committee for the period from October 1, 2013, through September 30, 2014, under this resolution shall not exceed $5,516,196 of which amount not to exceed $17,144 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))).

(b) For the period from October 1, 2014, through February 28, 2015, expenses for the committee under this resolution shall not exceed $2,298,415, of which amount not to exceed $7,144 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 246—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. REID, Mr. CORNYN, Mr. BEGICH, Mr. BENNET, Mrs. BOXER, Mr. COONS, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HAGAN, Mr. HEINRICH, Mr. KAINE, Ms. MIKULSKI, Mr. NELSON, Mr. REED, Mr. RUBIO, Mr. SCHUMER, Ms. STABENOW, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mr. BROWN, Mr. MERKLEY, Mr. HELLER, Mr. CASEY, Ms. WARREN, Mr. ENZI, Mrs. MURRAY, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 246

Whereas from September 15, 2013 through October 15, 2013, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at over 53,000,000 people, making Hispanic Americans the largest racial or ethnic minority group in the United States overall and in 21 individual States;

Whereas the United States Hispanic population is ranked 2nd worldwide, exceeding the size of every country except Mexico;

Whereas 8 States in the United States had 1,000,000 or more Latino residents in 2012, inlcuding Arizona, California, Colorado, Florida, Illinois, New Jersey, New York, and Texas;

Whereas Latinos grew the United States population by 1,100,000 between July 1, 2011 and July 1, 2012, accounting for nearly half of all population growth during this period;

Whereas the Hispanic population in the United States is projected to grow to 128,800,000 by 2060, at which point the Hispanic population will comprise 31 percent of the total United States population, which is nearly double the 2012 percentage;

Whereas 1 in 4 public school students in the United States is Hispanic, and the total number of school-age Hispanic children in the United States is expected to reach 28,000,000 by 2050;

Whereas 19 percent of all college students between the ages of 18 and 24 years old are Hispanic, making Hispanics the largest racial or ethnic minority group on college campuses in the United States, including both 2-year community colleges and 4-year colleges and universities;

Whereas a record 11,200,000 Latinos voted in the 2012 presidential election, representing a record 8.4 percent of the electorate in the United States;

Whereas the annual purchasing power of Hispanic Americans is an estimated $1,200,000,000,000 and is expected to grow to $1,500,000,000,000 by 2015;

Whereas there are approximately 3,000,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and contributing more than $500,000,000,000 in revenue to the economy of the United States;

Whereas Hispanic-owned businesses represent the fastest-growing segment of small businesses in the United States, with Hispanic entrepreneurs starting businesses at more than double the national rate;

Whereas as of August 2013, nearly 25,000,0000 Hispanic workers represented 16 percent of the total civilian labor force in the United States and the share of Latino labor force participation is expected to grow to 18.5 percent by 2020;

Whereas Latinos have the highest labor force participation rate of any racial or ethnic group (66.3 percent compared to 63.2 percent overall);

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas as of July 31, 2013, 162,717 Hispanic active duty service members served with distinction in the Armed Forces of the United States;

Whereas as of June 30, 2013, a total of 82,343 Hispanics had served in Afghanistan;

Whereas as of September 2013, 668 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for the United States in the conflict, even though Hispanics comprised only 4.5 percent of the population of the United States at the time;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas as of September 2013, there are an estimated 1,377,000 Hispanic veterans of the Armed Forces of the United States;

Whereas 44 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed on an individual serving in the Armed Forces of the United States;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 3 seats in the Senate, 35 seats in the House of Representatives, and 1 seat in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2013 through October 15, 2013;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that celebrate the cultural contributions of Latinos to American life.

SENATE RESOLUTION 247—DESIGNATING THE WEEK OF SEPTEMBER 16 THROUGH SEPTEMBER 20, 2013, AS ''NATIONAL HEALTH INFORMATION TECHNOLOGY WEEK'' TO RECOGNIZE THE VALUE OF HEALTH INFORMATION TECHNOLOGY IN TRANSFORMING AND IMPROVING THE HEALTHCARE SYSTEM FOR ALL PEOPLE IN THE UNITED STATES

Ms. STABENOW (for herself and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 247

Whereas health information technology has been recognized as an essential tool for improving patient care, ensuring patient safety, stopping duplicative tests and paperwork, and reducing healthcare costs;

Whereas the Center for Information Technology Leadership has estimated that the fully realized implementation of national standards for interoperability and the exchange of health information could produce significant savings in healthcare costs;

Whereas the use of health information technology enables providers to utilize innovative tools to provide more efficient, personalized, and better coordinated care, and helps patients be more engaged in managing their own treatment;

Whereas Congress has made a commitment to realizing the benefits of health information technology, including supporting the adoption of electronic health records that will help to reduce costs and improve quality while ensuring the privacy of patients;

Whereas the adoption of electronic health records more than doubled for physician practices and more than quadrupled for hospitals between 2008 and 2012;

Whereas it is necessary to continue improving the exchange of health information confidently and securely between different providers, systems, and insurers—a task that is foundational to transforming the healthcare delivery system of the United States;

Whereas aligning the use of electronic health records with other reporting efforts is critical to improving clinical outcomes for patients, controlling costs, and expanding access to care through the use of technology; and

Whereas, since 2006, organizations across the United States have united to support National Health Information Technology Week to improve public awareness of the benefits of improved quality and cost efficiency of the healthcare system that the implementation of health information technology could achieve: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 16 through September 20, 2013, as ''National Health Information Technology Week'';

(2) recognizes the value of information technology and management systems in transforming healthcare for the people of the United States; and

(3) calls on all interested parties to promote the use of information technology and management systems to transform the healthcare system of the United States.

SENATE RESOLUTION 248—DESIGNATING SEPTEMBER 22, 2013, AS ''NATIONAL FALLS PREVENTION AWARENESS DAY'' TO RAISE AWARENESS AND ENCOURAGE THE PREVENTION OF FALLS AMONG OLDER ADULTS

Mr. NELSON (for himself, Ms. COLLINS, Ms. MIKULSKI, Mr. SANDERS, Mr. FRANKEN, Mr. COONS, Mr. MARKEY, Mr. KING, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 248

Whereas older adults, 65 years of age and older, are the fastest-growing segment of the population in the United States, and the number of older adults in the United States will increase from 35,000,000 in 2000 to 72,100,000 in 2030;

Whereas 1 out of 3 older adults in the United States falls each year;

Whereas falls are the leading cause of death and hospital admissions for injuries among older adults;

Whereas, in 2010, approximately 2,300,000 older adults were treated in hospital emergency departments for fall-related injuries,

and more than 650,000 were subsequently hospitalized;

Whereas, in 2010, more than 21,000 older adults died from injuries related to unintentional falls;

Whereas the total annual medical cost of fall-related injuries for older adults is estimated at $30,000,000,000;

Whereas the Centers for Disease Control and Prevention estimate that if the rate of increase in falls is not slowed, the total annual medical cost of fall-related injuries for older adults will reach $59,600,000,000 by 2020; and

Whereas evidence-based programs show promise in reducing falls by utilizing cost-effective strategies, such as comprehensive clinical assessments, exercise programs to improve balance and health, medication management, vision correction, and reduction of home hazards: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 22, 2013, as ''National Falls Prevention Awareness Day'';

(2) recognizes that there are proven, cost-effective falls prevention programs and policies;

(3) commends the Falls Free Coalition and the falls prevention coalitions in 42 States and the District of Columbia for their efforts to work together to increase education and awareness about the prevention of falls among older adults;

(4) encourages businesses, individuals, Federal, State, and local governments, the public health community, and health care providers to work together to raise awareness of falls in an effort to reduce the incidence of falls among older adults in the United States;

(5) urges the Centers for Disease Control and Prevention to continue developing and evaluating interventions to prevent falls among older adults that will translate into effective community-based falls prevention programs;

(6) urges the Administration for Community Living, the Centers for Disease Control and Prevention, and associated partners to continue to promote evidence-based programs and services in communities in the United States to reduce the number of older adults at risk for falls;

(7) encourages State health departments, which provide significant leadership in reducing injuries and injury-related health care costs by collaborating with organizations and individuals, to reduce falls among older adults; and

(8) encourages experts in the field of falls prevention to share their best practices so that their success can be replicated by others.

SENATE RESOLUTION 249—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. BAUCUS submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 249

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from October 1, 2013, through September 30, 2014, and October 1, 2014 through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2.(a) The expenses of the committee for the period from October 1, 2013, through September 30, 2014, under this resolution shall not exceed $7,993,936, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period from October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $3,330,807, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))) .

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 250—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mrs. MURRAY submitted the following resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 250

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under Rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of Rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from October 1, 2013, through September 30, 2014 and October 1, 2014, through February 28, 2015, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period October 1, 2013, through September 30, 2014, under this resolution shall not exceed $5,997,777, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $36,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

(b) For the period October 1, 2014, through February 28, 2015, expenses of the committee under this resolution shall not exceed $2,499,074, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(j))).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2015.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from October, 1, 2013, through September 30, 2014, and October 1, 2014, through February 28, 2015, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1958. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for

other purposes; which was ordered to lie on the table.

SA 1959. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1960. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 527, to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes.

SA 1961. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table.

SA 1962. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

SA 1963. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1958. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION B—SAVING COAL JOBS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Saving Coal Jobs Act of 2013''.

TITLE I—PROHIBITION ON ENERGY TAX

SEC. 1101. PROHIBITION ON ENERGY TAX.

(a) FINDINGS; PURPOSES.—

(1) FINDINGS.—Congress finds that—

(A) on June 25, 2013, President Obama issued a Presidential memorandum directing the Administrator of the Environmental Protection Agency to issue regulations relating to power sector carbon pollution standards for existing coal fired power plants;

(B) the issuance of that memorandum circumvents Congress and the will of the people of the United States;

(C) any action to control emissions of greenhouse gases from existing coal fired power plants in the United States by mandating a national energy tax would devastate major sectors of the economy, cost thousands of jobs, and increase energy costs for low-income households, small businesses, and seniors on fixed income;

(D) joblessness increases the likelihood of hospital visits, illnesses, and premature deaths;

(E) according to testimony on June 15, 2011, before the Committee on Environment and Public Works of the Senate by Dr. Harvey Brenner of Johns Hopkins University, ''The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s. In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.'';

(F) according to the National Center for Health Statistics, ''children in poor families were four times as likely to be in fair or poor health as children that were not poor'';

(G) any major decision that would cost the economy of the United States millions of dollars and lead to serious negative health effects for the people of the United States should be debated and explicitly authorized by Congress, not approved by a Presidential memorandum or regulations; and

(H) any policy adopted by Congress should make United States energy as clean as practicable, as quickly as practicable, without increasing the cost of energy for struggling families, seniors, low-income households, and small businesses.

(2) PURPOSES.—The purposes of this section are—

(A) to ensure that—

(i) a national energy tax is not imposed on the economy of the United States; and

(ii) struggling families, seniors, low-income households, and small businesses do not experience skyrocketing electricity bills and joblessness;

(B) to protect the people of the United States, particularly families, seniors, and children, from the serious negative health effects of joblessness;

(C) to allow sufficient time for Congress to develop and authorize an appropriate mechanism to address the energy needs of the United States and the potential challenges posed by severe weather; and

(D) to restore the legislative process and congressional authority over the energy policy of the United States.

(b) PRESIDENTIAL MEMORANDUM.—Notwithstanding any other provision of law, the head of a Federal agency shall not promulgate any regulation relating to power sector carbon pollution standards or any substantially similar regulation on or after June 25, 2013, unless that regulation is explicitly authorized by an Act of Congress.

TITLE II—PERMITS

SEC. 1201. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(a) APPLICABILITY OF GUIDANCE.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) APPLICABILITY OF GUIDANCE.—

''(1) DEFINITIONS.—In this subsection:

''(A) GUIDANCE.—

''(i) IN GENERAL.—The term 'guidance' means draft, interim, or final guidance issued by the Administrator.

''(ii) INCLUSIONS.—The term 'guidance' includes—

''(I) the comprehensive guidance issued by the Administrator and dated April 1, 2010;

''(II) the proposed guidance entitled 'Draft Guidance on Identifying Waters Protected by the Clean Water Act' and dated April 28, 2011;

''(III) the final guidance proposed by the Administrator and dated July 21, 2011; and

''(IV) any other document or paper issued by the Administrator through any process other than the notice and comment rulemaking process.

''(B) NEW PERMIT.—The term 'new permit' means a permit covering discharges from a structure—

''(i) that is issued under this section by a permitting authority; and

''(ii) for which an application is—

''(I) pending as of the date of enactment of this subsection; or

''(II) filed on or after the date of enactment of this subsection.

''(C) PERMITTING AUTHORITY.—The term 'permitting authority' means—

''(i) the Administrator; or

''(ii) a State, acting pursuant to a State program that is equivalent to the program under this section and approved by the Administrator.

''(2) PERMITS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, in making a determination whether to approve a new permit or a renewed permit, the permitting authority—

''(i) shall base the determination only on compliance with regulations issued by the Administrator or the permitting authority; and

''(ii) shall not base the determination on the extent of adherence of the applicant for the new permit or renewed permit to guidance.

''(B) NEW PERMITS.—If the permitting authority does not approve or deny an application for a new permit by the date that is 270 days after the date of receipt of the application for the new permit, the applicant may operate as if the application were approved in accordance with Federal law for the period of time for which a permit from the same industry would be approved.

''(C) SUBSTANTIAL COMPLETENESS.—In determining whether an application for a new permit or a renewed permit received under this paragraph is substantially complete, the permitting authority shall use standards for determining substantial completeness of similar permits for similar facilities submitted in fiscal year 2007.''.

(b) STATE PERMIT PROGRAMS.—

(1) IN GENERAL.—Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by striking subsection (b) and inserting the following:

''(b) STATE PERMIT PROGRAMS.—

''(1) IN GENERAL.—At any time after the promulgation of the guidelines required by section 304(a)(2), the Governor of each State desiring to administer a permit program for discharges into navigable waters within the jurisdiction of the State may submit to the Administrator—

''(A) a full and complete description of the program the State proposes to establish and administer under State law or under an interstate compact; and

''(B) a statement from the attorney general (or the attorney for those State water pollution control agencies that have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of the State, or the interstate compact, as applicable, provide adequate authority to carry out the described program.

''(2) APPROVAL.—The Administrator shall approve each program for which a description is submitted under paragraph (1) unless the Administrator determines that adequate authority does not exist—

''(A) to issue permits that—

''(i) apply, and ensure compliance with, any applicable requirements of sections 301, 302, 306, 307, and 403;

''(ii) are for fixed terms not exceeding 5 years;

''(iii) can be terminated or modified for cause, including—

''(I) a violation of any condition of the permit;

''(II) obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; and

''(III) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge; and

''(iv) control the disposal of pollutants into wells;

''(B)(i) to issue permits that apply, and ensure compliance with, all applicable requirements of section 308; or

''(ii) to inspect, monitor, enter, and require reports to at least the same extent as required in section 308;

''(C) to ensure that the public, and any other State the waters of which may be affected, receives notice of each application for a permit and an opportunity for a public hearing before a ruling on each application;

''(D) to ensure that the Administrator receives notice and a copy of each application for a permit;

''(E) to ensure that any State (other than the permitting State), whose waters may be affected by the issuance of a permit may submit written recommendations to the permitting State and the Administrator with respect to any permit application and, if any part of the written recommendations are not accepted by the permitting State, that the permitting State will notify the affected State and the Administrator in writing of the failure of the State to accept the recommendations, including the reasons for not accepting the recommendations;

''(F) to ensure that no permit will be issued if, in the judgment of the Secretary of the Army (acting through the Chief of Engineers), after consultation with the Secretary of the department in which the Coast Guard is operating, anchorage and navigation of any of the navigable waters would be substantially impaired by the issuance of the permit;

''(G) to abate violations of the permit or the permit program, including civil and criminal penalties and other means of enforcement;

''(H) to ensure that any permit for a discharge from a publicly owned treatment works includes conditions to require the identification in terms of character and volume of pollutants of any significant source introducing pollutants subject to pretreatment standards under section 307(b) into the treatment works and a program to ensure compliance with those pretreatment standards by each source, in addition to adequate notice, which shall include information on the quality and quantity of effluent to be introduced into the treatment works and any anticipated impact of the change in the quantity or quality of effluent to be discharged from the publicly owned treatment works, to the permitting agency of—

''(i) new introductions into the treatment works of pollutants from any source that would be a new source (as defined in section 306(a)) if the source were discharging pollutants;

''(ii) new introductions of pollutants into the treatment works from a source that would be subject to section 301 if the source were discharging those pollutants; or

''(iii) a substantial change in volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit; and

''(I) to ensure that any industrial user of any publicly owned treatment works will comply with sections 204(b), 307, and 308.

''(3) ADMINISTRATION.—Notwithstanding paragraph (2), the Administrator may not disapprove or withdraw approval of a program under this subsection on the basis of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(2) CONFORMING AMENDMENTS.—

(A) Section 309 of the Federal Water Pollution Control Act (33 U.S.C. 1319) is amended—

(i) in subsection (c)—

(I) in paragraph (1)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(II) in paragraph (2)(A), by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''; and

(ii) in subsection (d), in the first sentence, by striking ''402(b)(8)'' and inserting ''402(b)(2)(H)''.

(B) Section 402(m) of the Federal Water Pollution Control Act (33 U.S.C. 1342(m)) is amended in the first sentence by striking ''subsection (b)(8) of this section'' and inserting ''subsection (b)(2)(H)''.

(c) SUSPENSION OF FEDERAL PROGRAM.—Section 402(c) of the Federal Water Pollution Control Act (33 U.S.C. 1342(c)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following:

''(4) LIMITATION ON DISAPPROVAL.—Notwithstanding paragraphs (1) through (3), the Administrator may not disapprove or withdraw approval of a State program under subsection (b) on the basis of the failure of the following:

''(A) The failure of the program to incorporate or comply with guidance (as defined in subsection (s)(1)).

''(B) The implementation of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

(d) NOTIFICATION OF ADMINISTRATOR.—Section 402(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)(2)) is amended—

(1) by striking ''(2)'' and all that follows through the end of the first sentence and inserting the following:

''(2) OBJECTION BY ADMINISTRATOR.—

''(A) IN GENERAL.—Subject to subparagraph (C), no permit shall issue if—

''(i) not later than 90 days after the date on which the Administrator receives notification under subsection (b)(2)(E), the Administrator objects in writing to the issuance of the permit; or

''(ii) not later than 90 days after the date on which the proposed permit of the State is transmitted to the Administrator, the Administrator objects in writing to the issuance of the permit as being outside the guidelines and requirements of this Act.'';

(2) in the second sentence, by striking ''Whenever the Administrator'' and inserting the following:

''(B) REQUIREMENTS.—If the Administrator''; and

(3) by adding at the end the following:

''(C) EXCEPTION.—The Administrator shall not object to or deny the issuance of a permit by a State under subsection (b) or (s) based on the following:

''(i) Guidance, as that term is defined in subsection (s)(1).

''(ii) The interpretation of the Administrator of a water quality standard that has been adopted by the State and approved by the Administrator under section 303(c).''.

SEC. 1202. PERMITS FOR DREDGED OR FILL MATERIAL.

(a) IN GENERAL.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended—

(1) by striking the section heading and all that follows through ''SEC. 404. (a) The Secretary may issue'' and inserting the following:

''SEC. 404. PERMITS FOR DREDGED OR FILL MATERIAL.

''(a) PERMITS.—

''(1) IN GENERAL.—The Secretary may issue''; and

(2) in subsection (a), by adding at the end the following:

''(2) DEADLINE FOR APPROVAL.—

''(A) PERMIT APPLICATIONS.—

''(i) IN GENERAL.—Except as provided in clause (ii), if an environmental assessment or environmental impact statement, as appropriate, is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Secretary shall—

''(I) begin the process not later than 90 days after the date on which the Secretary receives a permit application; and

''(II) approve or deny an application for a permit under this subsection not later than the latter of—

''(aa) if an agency carries out an environmental assessment that leads to a finding of no significant impact, the date on which the finding of no significant impact is issued; or

''(bb) if an agency carries out an environmental assessment that leads to a record of decision, 15 days after the date on which the record of decision on an environmental impact statement is issued.

''(ii) PROCESSES.—Notwithstanding clause (i), regardless of whether the Secretary has commenced an environmental assessment or environmental impact statement by the date described in clause (i)(I), the following deadlines shall apply:

''(I) An environmental assessment carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 1 year after the deadline for commencing the permit process under clause (i)(I).

''(II) An environmental impact statement carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be completed not later than 2 years after the deadline for commencing the permit process under clause (i)(I).

''(B) FAILURE TO ACT.—If the Secretary fails to act by the deadline specified in clause (i) or (ii) of subparagraph (A)—

''(i) the application, and the permit requested in the application, shall be considered to be approved;

''(ii) the Secretary shall issue a permit to the applicant; and

''(iii) the permit shall not be subject to judicial review.''.

(b) STATE PERMITTING PROGRAMS.—Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is amended by striking subsection (c) and inserting the following:

''(c) AUTHORITY OF ADMINISTRATOR.—

''(1) IN GENERAL.—Subject to paragraphs (2) through (4), until the Secretary has issued a permit under this section, the Administrator is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, if the Administrator determines, after notice and opportunity for public hearings, that the discharge of the materials into the area will have an unacceptable adverse effect on municipal water supplies, shellfish beds or fishery areas (including spawning and breeding areas), wildlife, or recreational areas.

''(2) CONSULTATION.—Before making a determination under paragraph (1), the Administrator shall consult with the Secretary.

''(3) FINDINGS.—The Administrator shall set forth in writing and make public the findings of the Administrator and the reasons of the Administrator for making any determination under this subsection.

''(4) AUTHORITY OF STATE PERMITTING PROGRAMS.—This subsection shall not apply to any permit if the State in which the discharge originates or will originate does not concur with the determination of the Administrator that the discharge will result in an unacceptable adverse effect as described in paragraph (1).''.

(c) STATE PROGRAMS.—Section 404(g)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1344(g)(1)) is amended in the first sentence by striking ''for the discharge'' and inserting ''for all or part of the discharges''.

SEC. 1203. IMPACTS OF ENVIRONMENTAL PROTECTION AGENCY REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COVERED ACTION.—The term ''covered action'' means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.):

(A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term ''more than a de minimis negative impact'' means the following:

(A) With respect to employment levels, a loss of more than 100 jobs, except that any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.

(B) With respect to economic activity, a decrease in economic activity of more than $1,000,000 over any calendar year, except that any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and

(B) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis in the Capitol of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—

(A) IN GENERAL.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents.

(B) PRIORITY.—In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

SEC. 1204. IDENTIFICATION OF WATERS PROTECTED BY THE CLEAN WATER ACT.

(a) IN GENERAL.—The Secretary of the Army and the Administrator of the Environmental Protection Agency may not—

(1) finalize, adopt, implement, administer, or enforce the proposed guidance described in the notice of availability and request for comments entitled ''EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act'' (EPA–HQ–OW–2011–0409) (76 Fed. Reg. 24479 (May 2, 2011)); and

(2) use the guidance described in paragraph (1), any successor document, or any substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any decision regarding the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or any rulemaking.

(b) RULES.—The use of the guidance described in subsection (a)(1), or any successor document or substantially similar guidance made publicly available on or after December 3, 2008, as the basis for any rule shall be grounds for vacating the rule.

SEC. 1205. LIMITATIONS ON AUTHORITY TO MODIFY STATE WATER QUALITY STANDARDS.

(a) STATE WATER QUALITY STANDARDS.—Section 303(c)(4) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) by striking ''(4) The'' and inserting the following:

''(4) PROMULGATION OF REVISED OR NEW STANDARDS.—

''(A) IN GENERAL.—The'';

(3) by striking ''The Administrator shall promulgate'' and inserting the following:

''(B) DEADLINE.—The Administrator shall promulgate;'' and

(4) by adding at the end the following:

''(C) STATE WATER QUALITY STANDARDS.—Notwithstanding any other provision of this paragraph, the Administrator may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to the Administrator and the Administrator has approved a water quality standard for that pollutant, unless the State concurs with the determination of the Administrator that the revised or new standard is necessary to meet the requirements of this Act.''.

(b) FEDERAL LICENSES AND PERMITS.—Section 401(a) of the Federal Water Pollution Control Act (33 U.S.C. 1341(a)) is amended by adding at the end the following:

''(7) STATE OR INTERSTATE AGENCY DETERMINATION.—With respect to any discharge, if a State or interstate agency having jurisdiction over the navigable waters at the point at which the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, the Administrator may not take any action to supersede the determination.''.

SEC. 1206. STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.

Section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)) is amended by striking paragraph (2) and inserting the following:

''(2) STATE AUTHORITY TO IDENTIFY WATERS WITHIN BOUNDARIES OF THE STATE.—

''(A) IN GENERAL.—Each State shall submit to the Administrator from time to time, with the first such submission not later than 180 days after the date of publication of the first identification of pollutants under section 304(a)(2)(D), the waters identified and the loads established under subparagraphs (A), (B), (C), and (D) of paragraph (1).

''(B) APPROVAL OR DISAPPROVAL BY ADMINISTRATOR.—

''(i) IN GENERAL.—Not later than 30 days after the date of submission, the Administrator shall approve the State identification and load or announce the disagreement of the Administrator with the State identification and load.

''(ii) APPROVAL.—If the Administrator approves the identification and load submitted by the State under this subsection, the State shall incorporate the identification and load into the current plan of the State under subsection (e).

''(iii) DISAPPROVAL.—If the Administrator announces the disagreement of the Administrator with the identification and load submitted by the State under this subsection. the Administrator shall submit, not later than 30 days after the date that the Administrator announces the disagreement of the Administrator with the submission of the State, to the State the written recommendation of the Administrator of those additional waters that the Administrator identifies and such loads for such waters as the Administrator believes are necessary to implement the water quality standards applicable to the waters.

''(C) ACTION BY STATE.—Not later than 30 days after receipt of the recommendation of the Administrator, the State shall—

''(i) disregard the recommendation of the Administrator in full and incorporate its own identification and load into the current plan of the State under subsection (e);

''(ii) accept the recommendation of the Administrator in full and incorporate its identification and load as amended by the recommendation of the Administrator into the current plan of the State under subsection (e); or

''(iii) accept the recommendation of the Administrator in part, identifying certain additional waters and certain additional loads proposed by the Administrator to be added to the State's identification and load and incorporate the State's identification and load as amended into the current plan of the State under subsection (e).

''(D) NONCOMPLIANCE BY ADMINISTRATOR.—

''(i) IN GENERAL.—If the Administrator fails to approve the State identification and load or announce the disagreement of the Administrator with the State identification and load within the time specified in this subsection—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(ii) RECOMMENDATIONS NOT SUBMITTED.—If the Administrator announces the disagreement of the Administrator with the identification and load of the State but fails to submit the written recommendation of the Administrator to the State within 30 days as required by subparagraph (B)(iii)—

''(I) the identification and load of the State shall be considered approved; and

''(II) the State shall incorporate the identification and load that the State submitted into the current plan of the State under subsection (e).

''(E) APPLICATION.—This section shall apply to any decision made by the Administrator under this subsection issued on or after March 1, 2013.''.

SA 1959. Mr. CRAPO (for himself and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. RESOLUTION OF CONFLICTING CLEAN WATER CERTIFICATIONS.

Section 10(a) of the Federal Power Act (16 U.S.C. 803(a)) is amended by adding at the end the following:

''(4) RESOLUTION OF CONFLICTING CLEAN WATER CERTIFICATIONS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, if any condition or requirement of any certification made under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) for a project covered by this Act is not agreed to by 2 or more affected States, the Commission shall review, modify as necessary, and approve the condition or requirement under paragraph (1) before the condition or requirement may become effective and included in a new license for the project.

''(B) RESOLUTION OF CONFLICTS.—Any condition or requirement that is modified by the Commission and included in the new license for a project under this paragraph shall supersede and replace the condition or requirement of any certification made under section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341).

''(C) ADMINISTRATION.—In reviewing conditions and requirements under this paragraph, the Commission shall—

''(i) use and consider the best scientific information available, including site-specific and species-specific information;

''(ii) consult with appropriate Federal and State resource agencies;

''(iii) provide for a public hearing; and

''(iv) consider such additional evidence in reaching the decision of the Commission as is appropriate to secure adequate protection of any affected species.''.

SA 1960. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 527, to amend the Helium Act to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets while protecting the interests of American taxpayers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Helium Stewardship Act of 2013''.

SEC. 2. DEFINITIONS.

Section 2 of the Helium Act (50 U.S.C. 167) is amended to read as follows:

''SEC. 2. DEFINITIONS.

''In this Act:

''(1) CLIFFSIDE FIELD.—The term 'Cliffside Field' means the helium storage reservoir in which the Federal Helium Reserve is stored.

''(2) FEDERAL HELIUM PIPELINE.—The term 'Federal Helium Pipeline' means the federally owned pipeline system through which the Federal Helium Reserve may be transported.

''(3) FEDERAL HELIUM RESERVE.—The term 'Federal Helium Reserve' means helium reserves owned by the United States.

''(4) FEDERAL HELIUM SYSTEM.—The term 'Federal Helium System' means—

''(A) the Federal Helium Reserve;

''(B) the Cliffside Field;

''(C) the Federal Helium Pipeline; and

''(D) all other infrastructure owned, leased, or managed under contract by the Secretary for the storage, transportation, withdrawal, enrichment, purification, or management of helium.

''(5) FEDERAL USER.—The term 'Federal user' means a Federal agency or extramural holder of one or more Federal research grants using helium.

''(6) LOW-BTU GAS.—The term 'low-Btu gas' means a fuel gas with a heating value of less than 250 Btu per standard cubic foot measured as the higher heating value resulting from the inclusion of noncombustible gases, including nitrogen, helium, argon, and carbon dioxide.

''(7) PERSON.—The term 'person' means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or State or political subdivision.

''(8) PRIORITY PIPELINE ACCESS.—The term 'priority pipeline access' means the first priority of delivery of crude helium under which the Secretary schedules and ensures the delivery of crude helium to a helium refinery through the Federal Helium System.

''(9) QUALIFIED BIDDER.—

''(A) IN GENERAL.—The term 'qualified bidder' means a person the Secretary determines is seeking to purchase helium for their own use, refining, or redelivery to users.

''(B) EXCLUSION.—The term 'qualified bidder' does not include a person who was previously determined to be a qualified bidder if the Secretary determines that the person did not meet the requirements of a qualified bidder under this Act.

''(10) QUALIFYING DOMESTIC HELIUM TRANSACTION.—The term 'qualifying domestic helium transaction' means any agreement entered into or renegotiated agreement during the preceding 1-year period in the United States for the purchase or sale of at least 15,000,000 standard cubic feet of crude or pure helium to which any holder of a contract with the Secretary for the acceptance, storage, delivery, or redelivery of crude helium from the Federal Helium System is a party.

''(11) REFINER.—The term 'refiner' means a person with the ability to take delivery of crude helium from the Federal Helium Pipeline and refine the crude helium into pure helium.

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

SEC. 3. AUTHORITY OF SECRETARY.

Section 3 of the Helium Act (50 U.S.C. 167a) is amended by adding at the end the following:

''(c) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LAND.—All amounts received by the Secretary from the sale or disposition of helium on Federal land shall be credited to the Helium Production Fund established under section 6(e).''.

SEC. 4. STORAGE, WITHDRAWAL AND TRANSPORTATION.

Section 5 of the Helium Act (50 U.S.C. 167c) is amended to read as follows:

''SEC. 5. STORAGE, WITHDRAWAL AND TRANSPORTATION.

''(a) IN GENERAL.—If the Secretary provides helium storage, withdrawal, or transportation services to any person, the Secretary shall impose a fee on the person that accurately reflects the economic value of those services.

''(b) MINIMUM FEES.—The fees charged under subsection (a) shall be not less than the amount required to reimburse the Secretary for the full costs of providing storage, withdrawal, or transportation services, including capital investments in upgrades and maintenance at the Federal Helium System.

''(c) SCHEDULE OF FEES.—Prior to sale or auction under subsection (a), (b), or (c) of section 6, the Secretary shall annually publish a standardized schedule of fees that the Secretary will charge under this section.

''(d) TREATMENT.—All fees received by the Secretary under this section shall be credited to the Helium Production Fund established under section 6(e).

''(e) STORAGE AND DELIVERY.—In accordance with this section, the Secretary shall—

''(1) allow any person or qualified bidder to which crude helium is sold or auctioned under section 6 to store helium in the Federal Helium Reserve; and

''(2) establish a schedule for the transportation and delivery of helium using the Federal Helium System that—

''(A) ensures timely delivery of helium auctioned pursuant to section 6(b)(2);

''(B) ensures timely delivery of helium acquired from the Secretary from the Federal Helium Reserve by means other than an auction under section 6(b)(2), including nonallocated sales; and

''(C) provides priority access to the Federal Helium Pipeline for in-kind sales for Federal users.

''(f) NEW PIPELINE ACCESS.—The Secretary shall consider any applications for access to the Federal Helium Pipeline in a manner consistent with the schedule for phasing out commercial sales and disposition of assets pursuant to section 6.''.

SEC. 5. SALE OF CRUDE HELIUM.

Section 6 of the Helium Act (50 U.S.C. 167d) is amended to read as follows:

''SEC. 6. SALE OF CRUDE HELIUM.

''(a) PHASE A: ALLOCATION TRANSITION.—

''(1) IN GENERAL.—The Secretary shall offer crude helium for sale in such quantities, at such times, at not less than the minimum price established under subsection (b)(7), and under such terms and conditions as the Secretary determines necessary to carry out this subsection with minimum market disruption.

''(2) FEDERAL PURCHASES.—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

''(3) DURATION.—This subsection applies during—

''(A) the period beginning on the date of enactment of the Helium Stewardship Act of 2013 and ending on September 30, 2014; and

''(B) any period during which the sale of helium under subsection (b) is delayed or suspended.

''(b) PHASE B: AUCTION IMPLEMENTATION.—

''(1) IN GENERAL.—The Secretary shall offer crude helium for sale in quantities not subject to auction under paragraph (2), after completion of each auction, at not less than the minimum price established under paragraph (7), and under such terms and conditions as the Secretary determines necessary—

''(A) to maximize total recovery of helium from the Federal Helium Reserve over the long term;

''(B) to maximize the total financial return to the taxpayer;

''(C) to manage crude helium sales according to the ability of the Secretary to extract and produce helium from the Federal Helium Reserve;

''(D) to give priority to meeting the helium demand of Federal users in the event of any disruption to the Federal Helium Reserve; and

''(E) to carry out this subsection with minimum market disruption.

''(2) AUCTION QUANTITIES.—For the period described in paragraph (4) and consistent with the conditions described in paragraph

(8), the Secretary shall annually auction to any qualified bidder a quantity of crude helium in the Federal Helium Reserve equal to—

''(A) for fiscal year 2015, 10 percent of the total volume of crude helium made available for that fiscal year;

''(B) for each of fiscal years 2016 through 2019, a percentage of the total volume of crude helium that is 15 percentage points greater than the percentage made available for the previous fiscal year; and

''(C) for fiscal year 2020 and each fiscal year thereafter, 100 percent of the total volume of crude helium made available for that fiscal year.

''(3) FEDERAL PURCHASES.—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

''(4) DURATION.—This subsection applies during the period—

''(A) beginning on October 1, 2014; and

''(B) ending on the date on which the volume of recoverable crude helium at the Federal Helium Reserve (other than privately owned quantities of crude helium stored temporarily at the Federal Helium Reserve under section 5 and this section) is 3,000,000,000 standard cubic feet.

''(5) SAFETY VALVE.—The Secretary may adjust the quantities specified in paragraph (2)—

''(A) downward, if the Secretary determines the adjustment necessary—

''(i) to minimize market disruptions that pose a threat to the economic well-being of the United States; and

''(ii) only after submitting a written justification of the adjustment to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives; or

''(B) upward, if the Secretary determines the adjustment necessary to increase participation in crude helium auctions or returns to the taxpayer.

''(6) AUCTION FORMAT.—The Secretary shall conduct each auction using a method that maximizes revenue to the Federal Government.

''(7) PRICES.—The Secretary shall annually establish, as applicable, separate sale and minimum auction prices under subsection (a)(1) and paragraphs (1) and (2) using, if applicable and in the following order of priority:

''(A) The sale price of crude helium in auctions held by the Secretary under paragraph (2).

''(B) Price recommendations and disaggregated data from a qualified, independent third party who has no conflict of interest, who shall conduct a confidential survey of qualifying domestic helium transactions.

''(C) The volume-weighted average price of all crude helium and pure helium purchased, sold, or processed by persons in all qualifying domestic helium transactions.

''(D) The volume-weighted average cost of converting gaseous crude helium into pure helium.

''(8) TERMS AND CONDITIONS.—

''(A) IN GENERAL.—The Secretary shall require all persons that are parties to a contract with the Secretary for the withdrawal, acceptance, storage, transportation, delivery, or redelivery of crude helium to disclose, on a strictly confidential basis—

''(i) the volumes and associated prices in dollars per thousand cubic feet of all crude and pure helium purchased, sold, or processed by persons in qualifying domestic helium transactions;

''(ii) the volumes and associated costs in dollars per thousand cubic feet of converting crude helium into pure helium; and

''(iii) refinery capacity and future capacity estimates.

''(B) CONDITION.—As a condition of sale or auction to a refiner under subsection (a)(1) and paragraphs (1) and (2), effective beginning 90 days after the date of enactment of the Helium Stewardship Act of 2013, the refiner shall make excess refining capacity of helium available at commercially reasonable rates to—

''(i) any person prevailing in auctions under paragraph (2); and

''(ii) any person that has acquired crude helium from the Secretary from the Federal Helium Reserve by means other than an auction under paragraph (2) after the date of enactment of the Helium Stewardship Act of 2013, including nonallocated sales.

''(9) USE OF INFORMATION.—The Secretary may use the information collected under this Act—

''(A) to approximate crude helium prices; and

''(B) to ensure the recovery of fair value for the taxpayers of the United States from sales of crude helium.

''(10) PROTECTION OF CONFIDENTIALITY.—The Secretary shall adopt such administrative policies and procedures as the Secretary considers necessary and reasonable to ensure the confidentiality of information submitted pursuant to this Act.

''(11) FORWARD AUCTIONS.—Effective beginning in fiscal year 2016, the Secretary may conduct a forward auction once each fiscal year of a quantity of helium that is equal to up to 10 percent of the volume of crude helium to be made available at auction during the following fiscal year if the Secretary determines that the forward auction will—

''(A) not cause a disruption in the supply of helium from the Reserve;

''(B) represent a cost-effective action;

''(C) generate greater returns for taxpayers; and

''(D) increase the effectiveness of price discovery.

''(12) AUCTION FREQUENCY.—Consistent with the annual volumes established under paragraph (2), effective beginning in fiscal year 2016, the Secretary may conduct auctions twice during each fiscal year if the Secretary determines that the auction frequency will—

''(A) not cause a disruption in the supply of helium from the Reserve;

''(B) represent a cost-effective action;

''(C) generate greater returns for taxpayers; and

''(D) increase the effectiveness of price discovery.

''(c) PHASE C: CONTINUED ACCESS FOR FEDERAL USERS.—

''(1) IN GENERAL.—The Secretary shall offer crude helium for sale to Federal users in such quantities, at such times, at such prices required to reimburse the Secretary for the full costs of the sales, and under such terms and conditions as the Secretary determines necessary to carry out this subsection.

''(2) FEDERAL PURCHASES.—Federal users may purchase refined helium with priority pipeline access under this subsection from persons who have entered into enforceable contracts to purchase an equivalent quantity of crude helium at the in-kind price from the Secretary.

''(3) EFFECTIVE DATE.—This subsection applies beginning on the day after the date described in subsection (b)(4)(B).

''(d) PHASE D: DISPOSAL OF ASSETS.—

''(1) IN GENERAL.—Not earlier than 2 years after the date of commencement of Phase C described in subsection (c) and not later than September 30, 2022, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests in the same, held by the United States in the Federal Helium System.

''(2) APPLICABLE LAW.—The disposal of the property described in paragraph (1) shall be in accordance with subtitle I of title 40, United States Code.

''(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of the property described in paragraph (1) shall be treated as funds received under this Act for purposes of subsection (e).

''(4) COSTS.—All costs associated with the sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under this subsection shall be paid from amounts available in the Helium Production Fund established under subsection (e).

''(e) HELIUM PRODUCTION FUND.—

''(1) IN GENERAL.—All amounts received under this Act, including amounts from the sale or auction of crude helium, shall be credited to the Helium Production Fund, which shall be available without fiscal year limitation for purposes determined to be necessary and cost effective by the Secretary to carry out this Act (other than sections 16, 17, and 18), including capital investments in upgrades and maintenance at the Federal Helium System, including—

''(A) well head maintenance at the Cliffside Field;

''(B) capital investments in maintenance and upgrades of facilities that pressurize the Cliffside Field;

''(C) capital investments in maintenance and upgrades of equipment related to the storage, withdrawal, transportation, purification, and sale of crude helium from the Federal Helium Reserve;

''(D) entering into purchase, lease, or other agreements to drill new or uncap existing wells to maximize the recovery of crude helium from the Federal Helium System; and

''(E) any other scheduled or unscheduled maintenance of the Federal Helium System.

''(2) EXCESS FUNDS.—Amounts in the Helium Production Fund in excess of amounts the Secretary determines to be necessary to carry out paragraph (1) shall be paid to the general fund of the Treasury and used to reduce the annual Federal budget deficit.

''(3) RETIREMENT OF PUBLIC DEBT.—Out of amounts paid to the general fund of the Treasury under paragraph (2), the Secretary of the Treasury shall use $51,000,000 to retire public debt.

''(4) REPORT.—Not later than 1 year after the date of enactment of the Helium Stewardship Act of 2013 and annually thereafter, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing all expenditures by the Bureau of Land Management to carry out this Act.

''(f) MINIMUM QUANTITY.—The Secretary shall offer for sale or auction during each fiscal year under subsections (a), (b), and (c) a quantity of crude helium that is the lesser of—

''(1) the quantity of crude helium offered for sale by the Secretary during fiscal year 2012; or

''(2) the maximum total production capacity of the Federal Helium System.''.

SEC. 6. INFORMATION, ASSESSMENT, RESEARCH, AND STRATEGY.

The Helium Act (50 U.S.C. 167 et seq.) is amended—

(1) by repealing section 15 (50 U.S.C. 167m);

(2) by redesignating section 17 (50 U.S.C. 167 note) as section 20; and

(3) by inserting after section 14 (50 U.S.C. 167l) the following:

''SEC. 15. INFORMATION.

''(a) TRANSPARENCY.—The Secretary, acting through the Bureau of Land Management, shall make available on the Internet information relating to the Federal Helium System that includes—

''(1) continued publication of an open market and in-kind price;

''(2) aggregated projections of excess refining capacity;

''(3) ownership of helium held in the Federal Helium Reserve;

''(4) the volume of helium delivered to persons through the Federal Helium Pipeline;

''(5) pressure constraints of the Federal Helium Pipeline;

''(6) an estimate of the projected date when 3,000,000,000 standard cubic feet of crude helium will remain in the Federal Helium Reserve and the final phase described in section 6(c) will begin;

''(7) the amount of the fees charged under section 5;

''(8) the scheduling of crude helium deliveries through the Federal Helium Pipeline; and

''(9) other factors that will increase transparency.

''(b) REPORTING.—Not later than 90 days after the date of enactment of the Helium Stewardship Act of 2013, to provide the market with appropriate and timely information affecting the helium resource, the Director of the Bureau of Land Management shall establish a timely and public reporting process to provide data that affects the helium industry, including—

''(1) annual maintenance schedules and quarterly updates, that shall include—

''(A) the date and duration of planned shutdowns of the Federal Helium Pipeline;

''(B) the nature of work to be undertaken on the Federal Helium System, whether routine, extended, or extraordinary;

''(C) the anticipated impact of the work on the helium supply;

''(D) the efforts being made to minimize any impact on the supply chain; and

''(E) any concerns regarding maintenance of the Federal Helium Pipeline, including the pressure of the pipeline or deviation from normal operation of the pipeline;

''(2) for each unplanned outage, a description of—

''(A) the beginning of the outage;

''(B) the expected duration of the outage;

''(C) the nature of the problem;

''(D) the estimated impact on helium supply;

''(E) a plan to correct problems, including an estimate of the potential timeframe for correction and the likelihood of plan success within the timeframe;

''(F) efforts to minimize negative impacts on the helium supply chain; and

''(G) updates on repair status and the anticipated online date;

''(3) monthly summaries of meetings and communications between the Bureau of Land Management and the Cliffside Refiners Limited Partnership, including a list of participants and an indication of any actions taken as a result of the meetings or communications; and

''(4) current predictions of the lifespan of the Federal Helium System, including how much longer the crude helium supply will be available based on current and forecasted demand and the projected maximum production capacity of the Federal Helium System for the following fiscal year.

''SEC. 16. HELIUM GAS RESOURCE ASSESSMENT.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Helium Stewardship Act of 2013, the Secretary, acting through the Director of the United States Geological Survey, shall—

''(1) in coordination with appropriate heads of State geological surveys—

''(A) complete a national helium gas assessment that identifies and quantifies the quantity of helium, including the isotope helium-3, in each reservoir, including assessments of the constituent gases found in each helium resource, such as carbon dioxide, nitrogen, and natural gas; and

''(B) make available the modern seismic and geophysical log data for characterization of the Bush Dome Reservoir;

''(2) in coordination with appropriate international agencies and the global geology community, complete a global helium gas assessment that identifies and quantifies the quantity of the helium, including the isotope helium-3, in each reservoir;

''(3) in coordination with the Secretary of Energy, acting through the Administrator of the Energy Information Administration, complete—

''(A) an assessment of trends in global demand for helium, including the isotope helium-3;

''(B) a 10-year forecast of domestic demand for helium across all sectors, including scientific and medical research, commercial, manufacturing, space technologies, cryogenics, and national defense; and

''(C) an inventory of medical, scientific, industrial, commercial, and other uses of helium in the United States, including Federal uses, that identifies the nature of the helium use, the amounts required, the technical and commercial viability of helium recapture and recycling in that use, and the availability of material substitutes wherever possible; and

''(4) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the assessments required under this paragraph.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

''SEC. 17. LOW-BTU GAS SEPARATION AND HELIUM CONSERVATION.

''(a) AUTHORIZATION.—The Secretary of Energy shall support programs of research, development, commercial application, and conservation (including the programs described in subsection (b))—

''(1) to expand the domestic production of low-Btu gas and helium resources;

''(2) to separate and capture helium from natural gas streams; and

''(3) to reduce the venting of helium and helium-bearing low-Btu gas during natural gas exploration and production.

''(b) PROGRAMS.—

''(1) MEMBRANE TECHNOLOGY RESEARCH.—The Secretary of Energy, in consultation with other appropriate agencies, shall support a civilian research program to develop advanced membrane technology that is used in the separation of low-Btu gases, including technologies that remove helium and other constituent gases that lower the Btu content of natural gas.

''(2) HELIUM SEPARATION TECHNOLOGY.—The Secretary of Energy shall support a research program to develop technologies for separating, gathering, and processing helium in low concentrations that occur naturally in geological reservoirs or formations, including—

''(A) low-Btu gas production streams; and

''(B) technologies that minimize the atmospheric venting of helium gas during natural gas production.

''(3) INDUSTRIAL HELIUM PROGRAM.—The Secretary of Energy, working through the Advanced Manufacturing Office of the Department of Energy, shall carry out a research program—

''(A) to develop low-cost technologies and technology systems for recycling, reprocessing, and reusing helium for all medical, scientific, industrial, commercial, aerospace, and other uses of helium in the United States, including Federal uses; and

''(B) to develop industrial gathering technologies to capture helium from other chemical processing, including ammonia processing.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

''SEC. 18. HELIUM-3 SEPARATION.

''(a) INTERAGENCY COOPERATION.—The Secretary shall cooperate with the Secretary of Energy, or a designee, on any assessment or research relating to the extraction and refining of the isotope helium-3 from crude helium and other potential sources, including—

''(1) gas analysis; and

''(2) infrastructure studies.

''(b) FEASIBILITY STUDY.—The Secretary, in consultation with the Secretary of Energy, or a designee, may carry out a study to assess the feasibility of—

''(1) establishing a facility to separate the isotope helium-3 from crude helium; and

''(2) exploring other potential sources of the isotope helium-3.

''(c) REPORT.—Not later than 1 year after the date of enactment of the Helium Stewardship Act of 2013, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that contains a description of the results of the assessments conducted under this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

''SEC. 19. FEDERAL AGENCY HELIUM ACQUISITION STRATEGY.

''In anticipation of the implementation of Phase D described in section 6(d), and not later than 2 years after the date of enactment of the Helium Stewardship Act of 2013, the Secretary (in consultation with the Secretary of Energy, the Secretary of Defense, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, and the Director of the National Institutes of Health) shall submit to Congress a report that provides for Federal users—

''(1) an assessment of the consumption of, and projected demand for, crude and refined helium;

''(2) a description of a 20-year Federal strategy for securing access to helium;

''(3) a determination of a date prior to September 30, 2022, for the implementation of Phase D as described in section 6(d) that minimizes any potential supply disruptions for Federal users;

''(4) an assessment of the effects of increases in the price of refined helium and methods and policies for mitigating any determined effects; and

''(5) a description of a process for prioritization of uses that accounts for diminished availability of helium supplies that may occur over time.''.

SEC. 7. CONFORMING AMENDMENTS.

(a) Section 4 of the Helium Act (50 U.S.C. 167b) is amended by striking ''section 6(f)'' each place it appears in subsections (c)(3), (c)(4), and (d)(2) and inserting ''section 6(d)''.

(b) Section 8 of the Helium Act (50 U.S.C. 167f) is repealed.

SEC. 8. EXISTING AGREEMENTS.

(a) IN GENERAL.—This Act and the amendments made by this Act shall not affect or

diminish the rights and obligations of the Secretary of the Interior and private parties under agreements in existence on the date of enactment of this Act, except to the extent that the agreements are renewed or extended after that date.

(b) DELIVERY.—No agreement described in subsection (a) shall affect or diminish the right of any party that purchases helium after the date of enactment of this Act in accordance with section 6 of the Helium Act (50 U.S.C. 167d) (as amended by section 5) to receive delivery of the helium in accordance with section 5(e)(2) of the Helium Act (50 U.S.C. 167c(e)(2)) (as amended by section 4).

SEC. 9. REGULATIONS.

The Secretary of the Interior shall promulgate such regulations as are necessary to carry out this Act and the amendments made by this Act, including regulations necessary to prevent unfair acts and practices.

SEC. 10. AMENDMENTS TO OTHER LAWS.

(a) SECURE RURAL SCHOOLS AND COMMUNITY SELF DETERMINATION PROGRAM.—

(1) SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.—

(A) AVAILABILITY OF PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended by striking ''2012'' each place it appears and inserting ''2013''.

(B) ELECTIONS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(b)) is amended—

(i) in paragraph (1)(A), by striking ''2012'' and inserting ''2013''; and

(ii) in paragraph (2)(B), by striking ''2012'' each place it appears and inserting ''2013''.

(C) DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''and 2012'' and inserting ''through 2013''.

(2) CONTINUATION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—Title II of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in section 203(a)(1) (16 U.S.C. 7123(a)(1)), by striking ''2012'' and inserting ''2013'';

(B) in section 204(e)(3)(B)(iii) (16 U.S.C. 7124(e)(3)(B)(iii)), by striking ''2012'' and inserting ''2013'';

(C) in section 205(a)(4) (16 U.S.C. 7125(a)(4)), by striking ''2011'' each place it appears and inserting ''2012'';

(D) in section 207(a) (16 U.S.C. 7127(a)), by striking ''2012'' and inserting ''2013''; and

(E) in section 208 (16 U.S.C. 7128)—

(i) in subsection (a), by striking ''2012'' and inserting ''2013''; and

(ii) in subsection (b), by striking ''2013'' and inserting ''2014''.

(3) CONTINUATION OF AUTHORITY TO RESERVE AND USE COUNTY FUNDS.—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(A) in subsection (a), by striking ''2012'' and inserting ''2013'' ; and

(B) in subsection (b), by striking ''2013'' and inserting ''2014''.

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 402 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7152) is amended by striking ''2012'' and inserting ''2013''.

(b) ABANDONED WELL REMEDIATION.—Section 349 of the Energy Policy Act of 2005 (42 U.S.C. 15907) is amended by adding at the end the following:

''(i) FEDERALLY DRILLED WELLS.—Out of any amounts in the Treasury not otherwise appropriated, $46,000,000 for fiscal year 2014 and $4,000,000 for fiscal year 2018 shall be made available to the Secretary, without further appropriation and to remain available until expended, to remediate, reclaim, and close abandoned oil and gas wells on current or former National Petroleum Reserve land.''.

(c) NATIONAL PARKS MAINTENANCE BACKLOG.—Section 814(g) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 1f) is amended by adding at the end the following:

''(4) AVAILABLE FUNDS.—Out of any amounts in the Treasury not otherwise appropriated, $50,000,000 shall be made available to the Secretary of the Interior for fiscal year 2018, without further appropriation and to remain available until expended, to pay the Federal funding share of challenge cost-share agreements for deferred maintenance projects and to correct deficiencies in National Park Service infrastructure.

''(5) COST-SHARE REQUIREMENT.—Not less than 50 percent of the total cost of project for funds made available under paragraph (4) to pay the Federal funding share shall be derived from non-Federal sources, including in-kind contribution of goods and services fairly valued.''.

(d) ABANDONED MINE RECLAMATION FUND.—Section 411(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amended by adding at the end the following:

''(6) SUPPLEMENTAL FUNDING.—

''(A) WAIVER OF LIMITATION.—Notwithstanding paragraph (5), the limitation on the total annual payments to a certified State or Indian tribe under this subsection shall not apply for fiscal year 2014.

''(B) LIMITATION ON WAIVER.—Notwithstanding subparagraph (A), the total annual payment to a certified State or Indian tribe under this subsection for fiscal year 2014 shall not be more than $75,000,000.

''(C) INSUFFICIENT AMOUNTS.—If the total annual payment to a certified State or Indian tribe under paragraphs (1) and (2) is limited by subparagraph (B), the Secretary shall—

''(i) give priority to making payments under paragraph (2); and

''(ii) use any remaining funds to make payments under paragraph (1).''.

(e) SODA ASH ROYALTIES.—Notwithstanding section 24 of the Mineral Leasing Act (30 U.S.C. 262) and the terms of any lease under that Act, the royalty rate on the quantity of gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 2-year period beginning on the date of enactment of this Act shall be 4 percent.

(f) AUTHORIZATION OFFSET.—Section 207(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17022(c)) is amended by inserting before the period at the end the following: '', except that the amount authorized to be appropriated to carry out this section not appropriated as of the date of enactment of the Helium Stewardship Act of 2013 shall be reduced by $6,000,000''.

SA 1961. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, strike lines 14 through 22 and insert the following:

(b) NONDUPLICATION.—The Secretary shall coordinate with the Secretary of Labor and the Secretary of Education prior to issuing any funding opportunity announcements to ensure that duplication does not occur.

SA 1962. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

At the beginning of title IV, insert the following:

SEC. 4___. WEATHERIZATION ASSISTANCE PROGRAM FOR LOW-INCOME PERSONS.

Section 415 of the Energy Conservation and Production Act (42 U.S.C. 6865) is amended by adding at the end the following:

''(f) ADMINISTRATION.—

''(1) IN GENERAL.—A State shall use up to 8 percent of any grant made by the Secretary under this part to track applicants for and recipients of weatherization assistance under this part to determine the impact of the assistance and eliminate or reduce reliance on the assistance over a period of not more than 3 years.

''(2) ANNUAL STATE PLANS.—A State may submit to the Secretary for approval within 90 days an annual plan for the administration of assistance under this part in the State that includes, at the option of the State—

''(A) local income eligibility standards for the assistance that are not based on the formula that are used to allocate assistance under this part; and

''(B) the establishment of revolving loan funds for multifamily affordable housing units.''.

SA 1963. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1392, to promote energy savings in residential buildings and industry, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, strike line 23 and insert the following:

(c) ADMINISTRATION.—To promote the efficiency and effectiveness of the programs, the Secretary shall—

(1) conduct or collect applicable third-party evaluations on every federally funded energy worker training program established during the 7-year period ending on the date of enactment of this Act, including technical training, on-the-job training, and industry-recognized credentialing programs; and

(2) publish and disseminate evidence-based guidance for the programs after considering the third-party evaluations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on September 19, 2013, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on September 19, 2013, at 10 a.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on September 19, 2013, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on September 19, 2013, at 10 a.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''The Triad: Promoting a System of Shared Responsibility. Issues for Reauthorization of the Higher Education Act'' on September 19, 2013, at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on September 19, 2013, at 10 a.m. to conduct a hearing entitled ''Outside the Box: Reforming and Renewing the Postal Service, Part I—Maintaining Services, Reducing Costs and Increasing Revenue Through Innovation and Modernization.''

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

COMMITTEE ON THE JUDICIARY

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on September 19, 2013, at 10 a.m. in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. WYDEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 19, 2013, at 2:30 p.m.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, September 24, at 11:15 a.m., the Senate proceed to executive session to consider the nomination of Calendar No. 203, that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time the Senate proceed to a vote with no intervening action or debate on the nomination; 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 President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 246, S. Res. 247, and S. Res. 248.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid on the table en bloc, with no intervening action or debate.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR MONDAY, SEPTEMBER 23, 2013

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, September 23, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 4 p.m. with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes on Monday. The next rollcall vote will be Tuesday at approximately 11:45 a.m. on confirmation of the Hughes nomination.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 23, 2013, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate at 5:17 p.m., adjourned until Monday, September 23, 2013, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

CYNTHIA ANN BASHANT, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE IRMA E. GONZALEZ, RETIRED.

STANLEY ALLEN BASTIAN, OF WASHINGTON, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON, VICE EDWARD F. SHEA, RETIRED.

DIANE J. HUMETEWA, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE MARY H. MURGUIA, ELEVATED.

JON DAVID LEVY, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE, VICE GEORGE Z. SINGAL, RETIRED.

STEVEN PAUL LOGAN, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE JAMES A. TEILBORG, RETIRED.

DOUGLAS L. RAYES, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE FREDERICK J. MARTONE, RETIRED.

MANISH S. SHAH, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE JOAN HUMPHREY LEFKOW, RETIRED.

JOHN JOSEPH TUCHI, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE ROSLYN MOORE–SILVER, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203A:

To be rear admiral (lower half)

CAPT. FRANCIS S. PELKOWSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C, SECTION 271(E):

To be rear admiral (lh)

CAPT. MEREDITH L. AUSTIN
CAPT. PETER W. GAUTIER
CAPT. MICHAEL J. HAYCOCK
CAPT. JAMES M. HEINZ
CAPT. KEVIN E. LUNDAY
CAPT. TODD A. SOKALZUK
CAPT. PAUL F. THOMAS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 531 AND 716:

To be major

GREGORY L. KOONTZ

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

NGA T. DO

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

PAUL A. THOMAS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

JUSTIN R. HODGES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GEORGE P. BYRUM