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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 4, 2011.

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

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

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

DEVELOPING A SENSIBLE, NON-INTERVENTIONIST FOREIGN POLICY

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

Mr. PAUL. Mr. Speaker, Osama bin Laden applauded the 9/11 attacks. Such an act of deliberate killing of innocent lives deserves retribution. It is good that bin Laden is dead and justice is served. Targeted retribution is far superior to wars of aggression and nation-building.

In 2001, I supported giving the President authority to punish those responsible for the vicious 9/11 attacks. Using this authority and opportunity to pursue nation-building and remaking the Middle East was cynical and dangerous, as the past 10 years have proven. The sad tragedy is that it took 10 years, trillions of dollars, tens of thousands of American casualties and many thousands of innocent lives to achieve our mission of killing one evil person.

A narrow, targeted mission under these circumstances is far superior to initiating wars against countries not involved in the 9/11 attacks. This was the reason I emphasized at the time the principles of marque and reprisal, provided to us by the Constitution for difficult missions such as we faced. I am convinced that this approach would have achieved our goal much sooner and much cheaper.

The elimination of Osama bin Laden should now prompt us to bring our troops home from Afghanistan and Iraq. Al Qaeda was never in Iraq, and we were supposedly in Afghanistan to get Osama bin Laden. With bin Laden gone, there is no reason for our presence in this region, unless indeed it was all about oil, nation-building and remaking the Middle East and Central Asia.

Hopefully, bin Laden does not get the last laugh. He claimed the 9/11 attacks were designed to, number one, get America to spread its military dangerously and excessively throughout the Middle East; two, to cause political dissension within the United States. Seventy percent of the American people now believe we should leave Afghanistan, yet both parties seem destined to stay; and number three, to bankrupt America through excessive military spending, as he did to the Soviets. The best thing we can do is prove bin Laden to be a false prophet.

We must learn from this recent history. Tragically, one result may be the acceptance of torture as a legitimate tool for pursuing our foreign policy. A free society calling itself a republic should never succumb to such evil.

With regard to foreign aid to Pakistan, the fact that bin Laden was safely protected for 10 years in Pakistan should make us question the wisdom of robbing American citizens to support any government around the world with foreign aid. Our failed foreign policy is reflected in our bizarre relationship with Pakistan. We bomb them with our drones, causing civilian casualties, we give them billions of dollars in foreign aid, and she protects America's enemy number one, bin Laden, for a decade.

It is time to consider a sensible, non-interventionist foreign policy as advised by our founders and authorized by our Constitution. We would all be better off for it.

PROPOSED PUERTO RICAN PIPELINE A THREAT TO MOUNTAINS AND RAINFORESTS

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

Mr. GUTIERREZ. Mr. Speaker, last weekend I had the honor of participating in a remarkable event in the mountain town of Adjuntas, Puerto Rico. There, thousands braved a torrential downpour to demonstrate against a proposed natural gas pipeline that the current ruling party in Puerto Rico is threatening to build across the mountains and rainforests of the island.

While I was there, I met with Rosanna Lopez Leon, the Commonwealth of Puerto Rico's Ombudsman for the Elderly. As ombudswoman, she has unusual latitude for a public servant in the current government to speak the truth about what she hears and sees from senior citizens across the island. Her term is 14 years, longer than that of the Governor's, and the money to her office comes mainly from the Federal Government, from the Older

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Americans Act, so that she is incorruptible, unassailable, and, thank God, untouchable.

She presented me with a series of letters she wrote to Attorney General Eric Holder and to other Federal agencies and Puerto Rican officials. They are based on sworn affidavits from senior citizens residing in four towns in the path of the proposed pipeline in Puerto Rico, describing how local seniors are being pressured and intimidated into signing over their property for the pipeline's supposed unapproved right-of-way.

Mrs. Lopez Leon believes that ''repetitive violations of the Older Americans Act have become a danger to the lives, health, rights, and property of the elderly population of Puerto Rico.''

She describes illegal trespassing into properties of the elderly under the false pretext of measuring a nonexistent right-of-way, illegal trespassing into the homes of the elderly with the fraudulent pretense to generate a written authorization from the elderly to allow and permit a consented purchase of the property to the Commonwealth of Puerto Rico and the energy company well below market value of the property without granting the elderly the opportunity to seek counsel, a recent appraisal, or to contest the eminent domain procedure which they are threatened with if they do not grant ''a voluntary consent to sell their properties.''

These 41 affidavits are from four towns on the route of the proposed gasoline; Adjuntas, Penuelas, Utuado and Toa Baja. I would like to first talk about one of them, because I will read some short translations from some chilling stories that we have gathered here.

The first one is from Antonia Santiago Cabrera, 69, from Adjuntas, Puerto Rico, who is in this picture. By the way, she was born in this home 69 years ago.

She says, ''The helicopters of the energy company constantly fly over my residence and they do so at a low altitude, disturbing my tranquility. Since my home is built of tin and wood,'' as you see in the picture, ''when the helicopters hover, my entire house trembles. That has generated much anxiety in me, and for this reason I had to visit my primary doctor and have had to take medication for my nerves and my heart condition has even worsened.''

Then there is Lucrecia Maldonado Rentas. She is 82 years old and is pictured in front of her house with her sister Gloria. She says, ''The letters I received were written to pretend to be a study to be conducted on the needs of the population and it ended up being one about natural gas, the pipeline and the expropriation process of the Barrio Portugues community in Adjuntas, Puerto Rico. In them the process of expropriation is presented, but it is not explained. I do not understand it.''

Then there is Mr. Luis Guzman. We don't have a picture of the 67-year-old farmer. Although he has been harassed since last year, Mr. Guzman does not know how to read and can barely write.

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He does not need to fully be educated, however, to know the difference between right and wrong. If only choosing between right and wrong would come that easy to the ruling party of Puerto Rico.

I want to make it clear to you, Mr. Speaker, and to this body and to Attorney General Eric Holder that these are not powerful men and women. They are not legal scholars or real estate experts. But they have made simple pleas to the court and their complaints should be heard. They are worried that they will lose their homes and they will lose their crops which sustain them because of the laws and legal maneuvers they do not understand. They are U.S. citizens and need our help.

I plan to post all of the affidavits I have already received, along with hundreds of pages I have received from Federal agencies under the Freedom of Information Act, on my Web site. The more light that is shined on this project, Mr. Speaker, the more it reflects back a dark story of secrets, strong-arming, and shortcuts. I plan to continue shining my light and making as much information public as possible so that the voice of the people of Puerto Rico is heard.

Mr. Speaker, I will place in the RECORD the affidavits presented in court in Puerto Rico from 18 senior citizens in Toa Baja, 10 senior citizens in Adjuntas, 4 senior citizens in Penuelas, and 9 senior citizens in Utuado, along with the correspondence from the Puerto Rico Office of the Ombudsman, an office funded by the Federal Government, an official 14-year standing agency of the Government of Puerto Rico.

The forty-one sworn affidavits in Spanish and other documents in English and Spanish related to the Gasoducto pipeline project are posted on Rep. GUTIERREZ'website:http://www.gutierrez.house.gov/index.php?option=com_content &view=article&id=662&Itemid=73.

COMMONWEALTH OF PUERTO RICO,
PUERTO RICO OFFICE OF THE OMBUDSMAN FOR THE ELDERLY,
San Juan, Puerto Rico, April 25, 2011.

Re: Complaint by the Puerto Rico Office of the Ombudsman for the Elderly Against The Commonwealth of Puerto Rico and The Puerto Rico Energy Power Authority.

Hon. ERIC HOLDER,
U.S. Department of Justice, Civil Rights Division, Office of the Assistant Attorney General, Main, Washington, DC.

DEAR SIR: The Puerto Rico Office of the Ombudsman for the Elderly (hereinafter OPPEA) represented by the undersigned, Hon. Rossana López León, is the ''state unit on aging of Puerto Rico'' in charge of enacting the Older Americans Act by virtue of the provisions of Act No. 203 of August 7, 2004, as well as by the ''Bill of Rights for Aged Persons in Puerto Rico,'' Act No. 121 of July 12, 1986, as amended.

OPPEA, upon attending to the needs of this specific population, acts as an enabling agent in the search for a better quality of life for these residents, who on occasion are deprived of their civil and human rights as members of our society for which it receives substantial federal funds. As a matter of fact, OPPEA receives 90% of its budget from federal sources.

The creation of this office serves the purpose of reaffirming the importance of the elderly citizens in our country, guaranteeing their full enjoyment of the rights and prerogatives which they are entitled to.

ORGANIZATION

OPPEA was created through local public Law Number 203, dated August 7, 2004, as a governmental organism responsible for establishing public policy, planning and coordinating with other public agencies the design and development of projects and programs in order to attend basic needs of the elderly population, establishing the rights of the elderly people, in order to help them attain an enjoyable and productive life and their maximum possible participation in community affairs. All funds, equipment personnel and other assets and liabilities previously managed by OGAVE (Governor's Office for Elderly Affairs) were transferred to OPPEA as a result of the above law.

OPPEA is the local organism responsible for planning and coordinating all matters related to federal awards received from federal laws for the purpose of attending the problems of the elderly population.

OPPEA is also the agency designated to administer and implement the federal programs of federal public Law 89–73 dated July 14, 1965, as amended, known as ''Older Americans Act.'' It can also be designated by the Governor of Puerto Rico as the local agency in charge of any other federal awards destined for elderly programs.

Local public Law Number 203 permits OPPEA to design programs in order to provide possible work opportunities and training and re-training to elderly citizens. Also, it offers alternatives in order for elderly people to join actively in the community and, for those able to, to provide consultative or professional services to the community.

OPPEA operates under an Ombudsman named by the Governor of Puerto Rico, with the consent and advice of the Senate of Puerto Rico for a fixed term of 14 years with the responsibility of organizing and directing the functions of the Office. The current Ombudsman is appearing Plaintiff, Hon. Rossana López León whose term expires on 2014.

Other functions and duties of OPPEA are:

a. Encourage participation of citizens in the development and implementation of programs and projects for the elderly people;

b. Provide technical advice and guidelines to other public agencies and/or private institutions who request them in order for them to improve the services they render to elderly citizens;

c. Organize and prepare conferences and seminars, and perform studies and investigations, by themselves or in coordination with other public agencies or private entities, in order to develop new approaches and methods, and the development of the necessary personnel to provide services to the elderly population;

d. Compile, accumulate and analyze all statistical data necessary for the planning, coordination and the development of a public policy related to elderly affairs, that responds to the needs of the particular moment;

e. Educate the community regarding the elderly affairs in order to create a positive attitude towards the elderly population;

f. Provide information to elderly people regarding the services, benefits, programs and

activities that public agencies and private entities offer; and

g. Recommend to the Governor of Puerto Rico and the Legislative Assembly those procedures they believe necessary in order to attend the problems and necessities of the elderly community.

h. Attend to grievances brought by elderly citizens, including the imposition of fines and the compensation for damages.

Now, The Commonwealth of Puerto Rico (hereinafter ELA) in cohort with the Puerto Rico Energy Power Agency (hereinafter PREPA) have placed into action a project, The Via Verde Pipeline, which is a planned natural gas network to supply energy from north to south in Puerto Rico, a project of Governor Luis Fortuño.

The pipeline will distribute natural gas from the Peñuelas/Guayanilla area north to the Arecibo Cambalache Plant on to Palo Seco/San Juan.

''Via Verde'' will negatively impact forest areas, hydrographic basins, lands fit for agriculture, and the all-important and endangered karstic region of northern Puerto Rico. It will also represent further dependence on another form of fossil fuel that, while less polluting than the current oil based system of electricity generation, will still contribute to global warming.

Furthermore, more than 200 elderly individuals, under the protection of the Older Americans Act are being affected and their rights under that federal statute and the Constitution being breached and violated by Commonwealth and PREPA.

These repetitive violations have become a danger to the lives, health, rights and property of the elderly population of the sector being impacted by the Via Verde project by way of illegal trespassing into the properties of the elderly under the false pretext of measuring a non existing right of way, illegal trespassing into the homes of the elderly with fraudulent pretenses to generate a written authorization from the elderly to allow and permit a consented purchase of their property to the Commonwealth and PREPA well below market value of the property, without granting the elderly the opportunity to seek counsel, a recent appraisal of their property or to contest the eminent domain procedure which they are threatened with if they do not grant a ''voluntary'' consent to sell their properties.

Furthermore, the elderly population is being targeted with a psychological ''warfare'' tactic through constant ''buzzing'' of low flying Commonwealth and Understanding that these actions and policies are an open violation of the Civil Rights Act, the Americans with Disabilities Act and the Age Discrimination in Employment Act, among others, we request a formal criminal and civil investigation from your Department.

After the investigation we are confident that your Department will have reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the law, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights of our client and of many others numbering in the thousands.

If you have any doubts or questions, please do not hesitate to contact us at (787) 721–6121.

Cordially,

ROSSANA LÓPEZ LEÓN, MSG,
Ombudsman for the Elderly.

COMMONWEALTH OF PUERTO RICO,
PUERTO RICO OFFICE OF THE OMBUDSMAN FOR THE ELDERLY,
San Juan, Puerto Rico, April 25, 2011.

Re: Complaint by The Puerto Rico Office Of The Ombudsman For The Elderly Against The Commonwealth of Puerto Rico and The Puerto Rico Energy Power Authority.

Hon. YESMIN M. VALDIVIESO,
Oficina del Contralor de Puerto Rico, Estado Libre Asociado De Puerto Rico, San Juan, PR.

DEAR SIR: The Puerto Rico Office Of The Ombudsman For The Elderly (herein after OPPEA) represented by the undersigned, Hon. Rossana López León, is the ''state unit on aging of Puerto Rico'' in charge of enacting the Older Americans Act by virtue of the provisions of Act No. 203 of August 7, 2004, as well as by the ''Bill of Rights for Aged Persons in Puerto Rico'', Act No. 121 of July 12, 1986, as amended.

OPPEA, upon attending to the needs of this specific population, acts as an enabling agent in the search for a better quality of life for these residents, who on occasion are deprived of their civil and human rights as members of our society for which it receives substantial federal funds. As a matter of fact, OPPEA receives 90% of its budget from federal sources.

The creation of this office serves the purpose of reaffirming the importance of the elderly citizens in our country, guaranteeing their full enjoyment of the rights and prerogatives which they are entitled to.

OPPEA is also the agency designated to administer and implement the federal programs of federal public Law 89–73 dated July 14, 1965, as amended, known as ''Older Americans Act''. It can also be designated by the Governor of Puerto Rico as the local agency in charge of any other federal awards destined for elderly programs.

Now, The Commonwealth of Puerto Rico (herein after Commonwealth) in cohort with the Puerto Rico Energy Power Agency (herein after PREPA) have placed into action a project called The Vía Verde Pipeline which is a planned natural gas network to supply energy from north to south in Puerto Rico a project of Governor Luis Fortuño.

The pipeline will distribute natural gas from the Peñuelas/Guayanilla area north to the Arecibo Cambalache Plant on to Palo Seco/San Juan.

''Via Verde'' will negatively impact forest areas, hydrographic basins, lands fit for agriculture, and the all-important and endangered karstic region of northern Puerto Rico.

Moreover, it should be public notice that the Government of Puerto Rico has not only already spent millions of dollars from state public coffers but also from federal sources like ARRA and has reauthorized multimillion dollar contracts for the purchase of land, materials (gas pipeline) and the construction of the gas pipeline itself, without the appropriate permits from the U.S. Corps of Engineers, U.S. Wildlife and Fisheries and other relevant federal agencies. Thus, this project which is being constructed is illegal for lack of appropriate permits.

This situation is not only contrary to the Law 230 of July 31, 1974 (3 L.P.R. secc. 283) as amended, also known as the Puerto Rico Accounting Law, but also in direct contrast to Law 96 of June 26, 1964 as amended. See also the Opinions of the Justice Secretary of Puerto Rico number 2010–15 and H.M.C.A. (P.R.) Inc et al v. Contralor 126 D.P.R. 478 (1990).

Furthermore, the 800,000 elderly residents of Puerto Rico, which we represent and have and are contributing to the General Fund of the Commonwealth and the budgeted funds of PREPA which are being used illegally to fund a project which has not even received the proper permits by federal agencies in order to commence the construction of the project, wish to formally file a Complaint before your agency.

Our client has sworn statements from many of the elderly population being seriously affected by the actions undertaken by Commonwealth and PREPA as well as a psychological study of the adverse effect that these actions have caused on the general elderly population of the areas impacted by the Via Verde project.

After the investigation we are confident that your Department will have reasonable cause to believe that the Commonwealth and PREPA are engaged in a pattern or practice of illegally using public funds for the Via Verde project.

If you have any doubts or questions, please feel free to contact us at (787) 721–6121.

ROSSANA LÓPEZ LEÓN, MSG,
Ombudsman for the Elderly.

COMMONWEALTH OF PUERTO RICO,
PUERTO RICO OFFICE OF THE OMBUDSMAN FOR THE ELDERLY
San Juan, Puerto Rico, April 25 2011.

Re Complaint by The Puerto Rico Office Of The Ombudsman For The Elderly Against The Commonwealth of Puerto Rico and The Puerto Rico Energy Power Authority.

Hon. J. RANDOLPH BABBITT,
U.S. Department of Transportation, Federal Aviation Administration, Washington, DC.
FANNY RIVERA,
U.S. Department of Transportation, Federal Aviation Administration, Washington, DC.
MARGARET GILLIGAN,
U.S. Department of Transportation, Federal Aviation Administration, Washington, DC.
SAN JUAN, PUERTO RICO FSDO,
San Juan, Puerto Rico.

DEAR SIR: The Puerto Rico Office Of The Ombudsman For The Elderly (herein after OPPEA), represented by the undersigned, Hon. Rossana López León, is the ''state unit on aging of Puerto Rico'' in charge of enacting the Older Americans Act by virtue of the provisions of Act No. 203 of August 7, 2004, as well as by the ''Bill of Rights for Aged Persons in Puerto Rico'', Act No. 121 of July 12, 1986, as amended.

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Now, The Commonwealth of Puerto Rico (herein after Commonwealth) in cohort with the Puerto Rico Energy Power Agency (herein after PREPA) have placed into action a project denominated The Vía Verde Pipeline which is a planned natural gas network to supply liquefied gas from north to south in Puerto Rico, a project of Governor Luis Fortuño.

The pipeline will distribute natural gas from the Peñuelas/Guayanilla area north to the Arecibo Cambalache Plant on to Palo Seco/San Juan.

''Via Verde'' will negatively impact forest areas, hydrographic basins, lands fit for agriculture, and the all-important and endangered karstic region of northern Puerto Rico.

Furthermore, more than 200 elderly individuals, under the protection of the Older American Act are being affected and their rights under that federal statute and the Constitution being breached and violated by Commonwealth and PREPA.

These repetitive violations have become a danger to the lives, health, rights and property of the elderly population of the sector being impacted by the Via Verde project by way of illegal trespassing into the properties of the elderly under the false pretext of measuring a non existing right of way, illegal trespassing into the homes of the elderly with fraudulent pretenses to generate a written authorization from the elderly to allow and permit a consented purchase of their property to the Commonwealth and PREPA well below market value of the property, without granting the elderly the opportunity to seek counsel, a recent appraisal of their property or to contest the eminent domain procedure which they are threatened with if they do not grant a ''voluntary'' consent to sell their properties.

Furthermore, the elderly population is being targeted with a psychological ''warfare'' tactic through constant ''buzzing'' of low flying Commonwealth and PREPA helicopters, some of which ''sit'' on top of the elderly individuals residences for a prolonged period of time without any apparent reason or motive, but to scare and cause fear in people of 80 or 90 years old with cardiac and hypertensive medical conditions which, in many cases have never been outside the rural areas and therefore never been exposed to a helicopters noise and ''buzzing''. These ''buzzing'' flights are being conducted day and intermittently at night under the 500 feet limit without any cause or reasonable explanation.

Title 14, Code of Federal Regulations, Section 91.119 of the General Operating and Flight Rules specifically prohibits low-flying aircraft, except when necessary for takeoff or landing, over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft, over other than congested areas, over an altitude of 500 feet above the surface except over open water or sparsely populated areas. In the latter case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure. This rule of thumb applies to Helicopters which may be operated at less than the minimums prescribed above, if and only if, the operation is conducted without hazard to persons or property on the surface.

OPPEA has sworn statements from many of the elderly population being seriously affected by the actions undertaken by Commonwealth and PREPA as well as a psychological study of the adverse effect that these actions have caused on the general elderly population of the areas impacted by the Via Verde project.

Identification: The civilian helicopters involved in the ''buzzing'' flights are readily identifiable since they bear the markings of PREPA or are being rented by PREPA or its agents or subcontractor, New Star Acquisitions. The ''buzzing'' flights are being performed under the 500 feet limit as per the above mentioned CFR, by aircraft number N5800, N5854, and N5842.

These flights have been occurring since the last six months almost every Monday, Wednesday and Friday.

These flights have been occurring in the area of Adjuntas, Orocovis and Penuelas, Puerto Rico. The aircrafts have been flying in no particular direction since they are ''buzzing'' the residents within the area or sites where the Via Verde gas pipeline project is to be constructed.

The color of the aircrafts are plainly visible in the photographs attached.

The altitude in which these flights regularly occur are below the 500 feet tarmac limit imposed by the CFR cited above. The flight below the limit was estimated on the remaining distance between the roof of the houses in which the ''sitting'' and the ''buzzing'' was being performed by the pilots of the aircrafts operated by the Commonwealth and PREPA.

Some of the witnesses submitted sworn statements which are at your disposal for inclusion in the investigative process. The names, addresses and telephone numbers are included in this Complaint for your perusal.

More photographs and statements will be made available to you as soon as they are obtained from our clients.

We understand that some elderly residents in the towns of Penuelas, Utuado and Adjuntas did file complaints before the Puerto Rico Police Department and therefore the criminal complaints will be submitted as soon as we obtain a certified copy from the Police Department.

Understanding that these actions and policies are an open violation of the Civil Rights Act, the Older American Act and the federal statutes and regulations of which you are particularly in charge of administering, we request a formal criminal and civil investigation from your Department.

After the investigation we are confident that your Department will have reasonable cause to believe that the Commonwealth and PREPA are engaged in a pattern or practice of violating the FAA regulations and the rights of the elderly population impacted by the Via Verde Project and that the pattern or practice is of such a nature that it is intended to deny the full exercise of the rights of our client and of many others numbering in the thousands.

If you have any doubts or questions, please do not hesitate to contact us at (787) 721–6121.

Cordially,

ROSSANA LÓPEZ LEÓN, MSG,
Ombudsman for the Elderly.

COMMONWEALTH OF PUERTO RICO,
PUERTO RICO OFFICE OF THE OMBUDSMAN FOR THE ELDERLY
San Juan, Puerto Rico, April 26, 2011.

Re Complaint by the Puerto Rico Office of the Ombudsman for the Elderly Against the Commonwealth of Puerto Rico and the Puerto Rico Energy Power Authority.

Mr. GENE L. DODARO,
Comptroller General, Government Accountability Office, Washington, DC.

DEAR SIR: The Puerto Rico Office of the Ombudsman for the Elderly (hereinafter OPPEA) represented by the undersigned, Hon. Rossana López León, is the ''state unit on aging of Puerto Rico'' in charge of enacting the Older Americans Act by virtue of the provisions of Act No. 203 of August 7, 2004, as well as by the ''Bill of Rights for Aged Persons in Puerto Rico'', Act No. 121 of July 12, 1986, as amended.

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ORGANIZATION

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Other functions and duties of OPPEA are:

a. Encourage participation of citizens in the development and implementation of programs and projects for the elderly people;

b. Provide technical advice and guidelines to other public agencies and/or private institutions who request them in order for them to improve the services they render to elderly citizens;

c. Organize and prepare conferences and seminars, and perform studies and investigations, by themselves or in coordination with other public agencies or private entities, in order to develop new approaches and methods, and the development of the necessary personnel to provide services to the elderly population;

d. Compile, accumulate and analyze all statistical data necessary for the planning, coordination and the development of a public policy related to elderly affairs, that responds to the needs of the particular moment;

e. Educate the community regarding the elderly affairs in order to create a positive attitude towards the elderly population;

f. Provide information to elderly people regarding the services, benefits, programs and activities that public agencies and private entities offer; and

g. Recommend to the Governor of Puerto Rico and the Legislative Assembly those procedures they believe necessary in order to attend the problems and necessities of the elderly community.

h. Attend to grievances brought by elderly citizens, including the imposition of fines and the compensation for damages.

Now, the Commonwealth of Puerto Rico (hereinafter ELA) in cohort with the Puerto Rico Energy Power Agency (hereinafter PREPA) have placed into action a project, The Vía Verde Pipeline, which is a planned natural gas network to supply energy from north to south in Puerto Rico, a project of Governor Luis Fortuño.

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Furthermore, more than 200 elderly individuals, under the protection of the Older American Act are being affected and their rights under that federal statute and the Constitution being breached and violated by Commonwealth and PREPA.

These repetitive violations have become a danger to the lives, health, rights and property of the elderly population of the sector being impacted by the Via Verde project by way of illegal trespassing into the properties of the elderly under the false pretext of measuring a nonexisting right of way, illegal trespassing into the homes of the elderly with fraudulent pretenses to generate a written authorization from the elderly to allow and permit a consented purchase of their property to the Commonwealth and PREPA well below market value of the property, without granting the elderly the opportunity to seek counsel, a recent appraisal of their property or to contest the eminent domain procedure which they are threatened with if they do not grant a ''voluntary'' consent to sell their properties.

Furthermore, the elderly population is being targeted with a psychological ''warfare'' tactic through constant ''buzzing'' of low flying Commonwealth and PREPA helicopters, some of which ''sit'' on top of the elderly individuals' residences for a prolong period of time without any apparent reason or motive, but to scare and cause fear in people of 80 or 90 years old with cardiac and hypertensive medical conditions which, in many cases have never been outside the rural areas and therefore never been exposed to a helicopter's noise and ''buzzing''. These ''buzzing'' flights are being conducted day and intermittently at night under the 500 feet limit without any cause or reasonable explanation.

These repetitive violations have become a danger to the lives, health, rights and property of the elderly population of the sector being impacted by the Via Verde project by way of illegal trespassing into the properties of the elderly under the false pretext of measuring a nonexisting right of way, illegal trespassing into the homes of the elderly with fraudulent pretenses to generate a written authorization from the elderly to allow and permit a consented purchase of their property to the Commonwealth and PREPA well below market value of the property, without granting the elderly the opportunity to seek counsel, a recent appraisal of their property or to contest the eminent domain procedure which they are threatened with if they do not grant a ''voluntary'' consent to sell their properties.

Furthermore, most of the elderly population residing in the impacted areas receive their water supply from private or public reservoirs that are a huge part of the underground karstic region. It has been evidenced by the detractors of the Via Verde project that the underground water supply will be contaminated by bentonite, polymers, surfactants and dye tracers which would render the underground water supply contaminated and useless for human consumption. The Corps must be aware that there is no other source of water for these elderly residents of the region since in many parts of the rural regions where they reside the Commonwealth does not provide a source of water.

Moreover, it should be public notice that the Government of Puerto Rico has not only already spent millions of dollars from state public coffers but also from federal sources like ARRA and has authorized multimillion dollar contracts for the purchase of land, materials (gas pipeline) and the construction of the gas pipeline itself, without the appropriate permits from the U.S. Corps of Engineers, U.S. Wildlife and Fisheries and other relevant federal agencies. Thus, this project which is being constructed is illegal for lack of appropriate permits.

This situation is not only contrary to the Law 230 of July 31, 1974 (3 L.P.R. secc. 283) as amended, also known as the Puerto Rico Accounting Law, but also in direct contrast to Law 96 of June 26, 1964 as amended. See also the Opinions of the Justice Secretary of Puerto Rico number 2010–15 and H.M.C.A. (P.R.) Inc et al. v. Contralor 126 D.P.R. 478 (1990).

Understanding that these actions and policies are an open violation of the Civil Rights Act, the Americans with Disabilities Act and the Age Discrimination in Employment Act, among others, we request a formal criminal and civil investigation from your Department.

After the investigation we are confident that your Department will have reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by the law, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights of our client and of many others numbering in the thousands.

If you have any doubts or questions, please do not hesitate to contact us.

Cordially,

ROSSANA LÓPEZ LEOŃ, MSG,
Ombudsman for the Elderly.

COMMONWEALTH OF PUERTO RICO,
PUERTO RICO OFFICE OF THE OMBUDSMAN FOR THE ELDERLY,
San Juan, Puerto Rico, April 25, 2011.

Re: Complaint by The Puerto Rico Office Of The Ombudsman For The Elderly Against The Commonwealth of Puerto Rico and The Puerto Rico Energy Power Authority.

U.S. ARMY CORPS OF ENGINEERS,
South Atlantic Division,
Jacksonville, FL.
U.S. ARMY CORPS OF ENGINEERS,
South Atlantic Division,
Atlanta, Georgia.

DEAR SIR: The Puerto Rico Office Of The Ombudsman For The Elderly (herein after OPPEA) represented by the undersigned, Hon. Rossana López León, is the ''state unit on aging of Puerto Rico'' in charge of enacting the Older Americans Act by virtue of the provisions of Act No. 203 of August 7, 2004, as well as by the ''Bill of Rights for Aged Persons in Puerto Rico'', Act No. 121 of July 12, 1986, as amended.

OPPEA, upon attending to the needs of this specific population, acts as an enabling agent in the search for a better quality of life for these residents, who on occasion are deprived of their civil and human rights as members of our society for which it receives substantial federal funds. As a matter of fact, OPPEA receives 90% of its budget from federal sources.

The creation of this office serves the purpose of reaffirming the importance of the elderly citizens in our country, guaranteeing their full enjoyment of the rights and prerogatives which they are entitled to.

OPPEA is also the agency designated to administer and implement the federal programs of federal public Law 89–73 dated July 14, 1965, as amended, known as ''Older Americans Act''. It can also be designated by the Governor of Puerto Rico as the local agency in charge of any other federal awards destined for elderly programs.

Now, The Commonwealth of Puerto Rico (herein after Commonwealth) in cohort with the Puerto Rico Energy Power Agency (herein after PREPA) have placed into action a project called The Via Verde Pipeline (application of reference) which is a planned natural gas network to supply energy from north to south in Puerto Rico, a project of Governor Luis Fortuño.

The pipeline will distribute natural gas from the Peñuelas/Guayanilla area north to the Arecibo Cambalache Plant on to Palo Seco/San Juan.

''Via Verde'' will negatively impact forest areas, hydrographic basins, lands fit for agriculture, and the all-important and endangered karstic region of northern Puerto Rico as your letter of December 22, 2010 sent to PREPA has underscored.

Furthermore, more than 200 elderly individuals, under the protection of the Older American Act, residing for more than 30 years in the area to be impacted by the Via Verde project are being and will be adversely affected and their rights under federal statutes and regulations breached and violated by Commonwealth and PREPA.

These repetitive violations have become a danger to the lives, health, rights and property of the elderly population of the sector being impacted by the Via Verde project by way of illegal trespassing into the properties of the elderly under the false pretext of measuring a non existing right of way, illegal trespassing into the homes of the elderly with fraudulent pretenses to generate a written authorization from the elderly to allow and permit a consented purchase of their property to the Commonwealth and PREPA well below market value of the property, without granting the elderly the opportunity to seek counsel, a recent appraisal of their property or to contest the eminent domain procedure which they are threatened with if they do not grant a ''voluntary'' consent to sell their properties.

Furthermore, most of the elderly population residing in the impacted areas receive their water supply from private or public reservoirs that are a huge part of the underground karstic region. It has been evidenced by the detractors of the Via Verde project that the underground water supply will be contaminated by bentonite, polymers, surfactants and dye tracers which would render the underground water supply contaminated and useless for human consumption. The Corps must be aware that there no other source of water for these elderly residents of the region since in many parts of the rural regions where they reside the Commonwealth does not provide a source of water.

Moreover, although alternative sites or projects have been proposed to the Commonwealth, to no avail.

Our client has sworn statements from many of the elderly population being seriously affected by the actions undertaken by

Commonwealth and PREPA as well as a psychological study of the adverse effect that these actions have caused on the general elderly population of the areas impacted by the Via Verde project.

Understanding that these actions and policies are an open violation of the Older American Act and the federal statutes and regulations of which you are particularly in charge of administering, we request a formal filing of this complaint before the Corps.

If you have any doubts or questions, please do not hesitate to contact our office at (787) 721–6121.

Cordially,

ROSSANA LÓPEZ LEÓN, MSG,
Ombudsman for the Elderly.

ABORTION DEBATE

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

Mr. LANKFORD. Abortion is one of the most divisive issues in America. One side sees the child in the womb as nothing but tissue, like a skin mole, and no one should tell a women when and if she can have an unnecessary and inconvenient tissue removed from her body. The other side looks at that ''tissue'' in the womb and sees it sucking its thumb, reacting to her mother singing, and possessing unique DNA, and asks the question: How can that not be a child?

The debate about life will not be resolved today, though for the sake of millions of children who will die in the womb in abortion clinics, I wish it could have been resolved yesterday. H.R. 3, which we will be discussing all day today asks the question: Should the Federal Government ever use taxpayer dollars to pay for or supplement abortions?

When the Nation is so divided over this issue, isn't it common sense not to force a person who is passionately opposed to the death of the unborn to assist in paying for the procedure?

H.R. 3 also protects the conscience of health care providers to not be forced to perform a procedure that they believe violates their most basic oath: Do no harm.

Each year, this Congress votes to prohibit abortion funding through our appropriations process. It's time that we settled this issue permanently and clearly. No taxpayer funding, support, or tax incentives of abortion in any way for this year, in any future year.

In a day of skyrocketing debt, how can we justify supplementing abortion and saying that it's a necessary and essential element of government? I think we cannot.

This is time to resolve this issue. I strongly encourage my colleagues to support H.R. 3 today in that vote.

OUR DEPENDENCE ON FOREIGN OIL

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

Mr. QUIGLEY. Mr. Speaker, in the great debate over oil and gas prices, there are actually many things we can all agree on. We agree our dependence on foreign oil endangers our environment, hurts our economy, and weakens our national security. Our disagreement lies in potential solutions.

I believe that in order to lower gas prices, we can and must crack down on oil speculators, end Big Oil handouts, invest in public transit and electric vehicles, and increase corporate average fuel economy standards. The other side of the argument would have you believe that all we need to do is increase our domestic oil resources and remove regulations—regulations that purportedly forced us to look outside our Nation's borders for oil.

Our answers do not lie in more oil. Our answers lie in conservation and smart investments.

Talk about smart investment—every increase of 1 mile per gallon in auto fuel efficiency yields more oil than can be found in two Arctic National Wildlife Refuges. An improvement right now of 2.7 miles per gallon would eliminate our need for all Persian Gulf oil.

But it's not a question of simple domestic supply and demand either, another argument the other side of this issue will use. Oil prices are set on a global oil market. Historically, such small increases in U.S. production have had little or no impact on world oil prices.

The U.S. Energy Information Administration, or EIA, states in a 2008 report that Arctic Refuge oil production ''is not expected to have a large impact on world oil prices,'' noting that OPEC ''could neutralize any potential price impact of ANWR coastal plain production by reducing its exports by an equal amount.''

Again, our answer does not lie in increased domestic oil production. Our answer lies in conservation and in a solid commitment to investment in renewable energy resources.

Recent increases in conservation and use of alternative technologies has cut our Nation's projected need for imported oil between now and 2050 by more than 100 billion barrels. That's 10 times more benefit that we might be able to get during the same period from the Arctic National Wildlife Refuge, without sacrificing one of our Nation's most valued wilderness ecosystems.

In the past few years, we've taken small steps to focus on conservation rather than production. In late 2007, corporate average fuel standards, commonly known as CAFE standards, received their first overhaul in more than 30 years. This was a huge step in the right direction, but there remains much work to do.

The bills we will consider in the coming week will endanger our environment, hurt our economy, and weaken our national security. It seems to me these are the very same concerns we have with an overarching reliance and addiction to foreign oil.

H.R. 1229 and H.R. 1230 supplant our national environmental policies, tell residents along our coasts we don't care how they feel about drilling in their waters, damage the ecosystems the industries along our coasts rely on, and go against what military experts have been saying about drilling.

Just weeks ago, several former military officers shared their thoughts and concern. ''America's dependence on oil constitutes a clear and present danger to the security and welfare of the United States.'' And they continue to say they are concerned with congressional efforts to undermine the agencies charged with overseeing extraction. What they are saying is it's important to reduce our dependence on foreign oil for our national security's sake, and it's important to retain regulatory authority to oversee drilling and extraction of oil and gas. Then, you follow that it's important to regulate our extraction in order to protect our Nation.

These bills do not offer solutions. And what is worse, a full year following the disaster of the Macondo/Deepwater well, we have yet to reform our Outer Continental Shelf policy. But, again, you don't need to take my word for it.

The U.S. Energy Information Administration put out a 2009 report comparing the difference between full, unrestricted offshore drilling and restricted offshore drilling. EIA found that in 2020, restrictions on drilling versus unrestricted access had no impact on cost. The cost per barrel was identical. In 2030, indiscriminate drilling would lower our gas prices by just 3 cents.

Take the calls for drilling in the Arctic Refuge as another example. Even at peak production in 2030, Arctic Refuge oil would account for six-tenths of 1 percent of world oil production and only 2.4 percent of U.S. oil consumption.

We can proactively move our Nation toward reducing our dependence on foreign oil so that we can take control of our energy future, protect our Nation, our economy, and our environment. And we must.

SPENDING-DRIVEN DEBT CRISIS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. If your car is speeding into a ditch, the only thing to do to survive is to slam the brakes as fast and hard as you can. Anything else only stalls the disaster to come.

At this moment, America is speeding into bankruptcy, and the only way to stop the descent and save our country is to slam the brakes on government spending and set our Nation on a brand new fiscal trajectory.

Critical times call for critical measures. The American people deserve honest and courageous leadership from

Washington that will act to save the future of our great Nation.

□ 1020

The Path to Prosperity would lift the crushing burden of record high debt, spur economic growth and job creation, and fulfill our Nation's obligations to the health and retirement security of every American.

With the Path to Prosperity, the budget that Republicans adopted in the House 2 weeks ago, Americans will be back on the road to more jobs for today and a bankrupt-free nation for tomorrow.

GAS PRICES AND MEDICARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Mrs. MCCARTHY) for 5 minutes.

Mrs. MCCARTHY of New York. Mr. Speaker, before I begin to share my thoughts this morning about how the Republican budget is a blow to our American ideas and priorities, I would be remiss if I didn't use this opportunity to praise our men and women in uniform, our President, and his advisers for the extraordinary courage and capability they all demonstrated in the mission that put an end to Osama bin Laden on Sunday.

Being from New York, we know firsthand of the consequences of this horrible, horrible action that Osama bin Laden took on September 11, 2001. I can't tell you how many families in my congressional district were hurt, lost their loved ones, children becoming orphans in ways that it is going to take them years, if forever, to recover.

That is why Sunday was so important. It was a moment in history, our history. We told the world as Americans, we're going to fight not only for each other but we're going to fight for our rights, our ideals that are at the core of our very being.

I would hope that, in the aftermath of Sunday, we would be able to come together in the way that we did after September 11. We need to find more ways to come together. We need to work together for the good of our constituents, for the good of our country. But that doesn't mean that we don't have extraordinary differences of opinion, and that's what I'm here to talk about today. I'm here to talk about the budget that the House Republican majority just passed—and I voted against—on April 15. I believe that that budget is a document that lays out the wrong priorities.

Trust me when I say that I'm as anxious as anyone about our Nation's fiscal policies, but we also need to make sure that, in the process, we do not kill thousands of jobs and hurt millions of American families. A budget, as far as I'm concerned, is a moral document. It should be a declaration of our country's priorities. But the Republican budget does anything but that. It hurts our most vulnerable citizens while giving tax breaks to our oil companies.

I spent over 33 years as a nurse before I came to Congress, and let me tell you, the one thing that strikes me every week when I come down to Washington is the disconnect that I see between a lot of the politicians here and the people who are back home struggling in their districts.

The budget that was passed by Republicans is absolutely out of touch with the people back in my district. How in the world can you undermine the health and well-being of our seniors at the same time that you continue to give the richest companies on the planet tax breaks? That's not what the people in my district want. The seniors, and all the people in my district, want health care. They feel like that as they get older, they want the peace of mind to know that they have access to the greatest health care system in the world. They've paid for that right. As they worked throughout their life, they paid into the Medicare system. They believe that they have the right to Medicare, and I agree with them.

Yet the Republican budget fundamentally undermines that right. The Republican budget ends Medicare as we know it. It eliminates guaranteed coverage for our seniors and turns the program into a voucher program. This is a drastic, drastic concept.

Let's not try to pretty things up here. Republicans are essentially pushing seniors into the private marketplace where they will pay more and get less. As health care keeps rising with inflation, these vouchers will not keep pace. As the Congressional Budget Office has said, Medicare beneficiaries would bear a much larger share of their health care costs. The result would be absolutely awful for our seniors. We are going to see our parents and our sisters and our brothers faced with awful choices: Are they going to pay higher premiums? Are they going to have to get health plans that cover less? Or, even worse, will they drop out and have no health care at all?

Cutting our health care system isn't the only way that families are being hurt. The high price of gas is hurting families across this country and certainly in New York. Across the country and definitely on Long Island, the price of gas has climbed way above $4. Yet in what is an absolutely mind-boggling position, Republicans in Congress still refuse to allow a vote to repeal the billions of dollars in taxpayer money that oil companies are getting. Exxon, for instance, just took in $10.7 billion during the first 3 months of the year alone. That's a 69 percent increase over the same time frame from last year. Other companies have enjoyed the same increases, all while continuing to receive $4 billion annually in subsidies.

Mr. Speaker, we're Americans. We can disagree, but we're supposed to be fighting for this country. We need to make sure we protect our seniors. We need to make sure we have jobs. We need to make sure that we keep this country safe.

God bless America.

The oil companies aren't struggling companies in need of a helping hand. They're companies with huge profits receiving billions of dollars in wasteful government spending.

I'm not a person who is against drilling.

I believe that we need a comprehensive energy policy that takes advantage of clean energy, but also takes advantage of the natural resources that we've been blessed with.

I also believe that we need to be aggressive in taking on the oil speculators who are profiting from the ballooning price of oil.

But what I find particularly abhorrent is that, at a time where Republicans are claiming that our country's fiscal problems are an excuse for us to undermine the needs of our seniors, many of whom live month-to-month, we are at the same time giving oil companies $4 billion in tax breaks.

Those are not the priorities that I believe in.

And those are not the priorities that my constituents believe in.

A budget is a moral document of our priorities. It should say something about a country's values.

That's why, to turn back to Sunday for a second, that heroic rescue said so much about our country.

Americans persevere, Americans fight for their values, and Americans are unrelenting in their efforts.

But we do those things because we want safety and security for our families.

We want to see our children and grandchildren grow up in a country where fairness and equity is the order of the day.

The Republican budget is not about fairness and equity.

It is about hurting our seniors—and doing so in order to give oil companies, who are wealthy beyond belief, additional tax breaks.

That's not just.

That's not fair.

That is not what I came to Congress to fight for.

STORM AND DISASTER RELIEF IN NORTH CAROLINA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Mrs. ELLMERS) for 5 minutes.

Mrs. ELLMERS. Mr. Speaker, 2 weeks ago on Saturday, April 16, North Carolina was struck with vicious tornadoes that caused unprecedented destruction and despair throughout the State and in my district. The loss of property will take years to rebuild, but the lives that were lost can never be replaced. In an instant, lives were cut short, leaving families with a gaping hole that can never be filled. With over 24 deaths throughout the State, this tragedy has touched each of us on a personal level.

Our district was hit especially hard with six of our 10 counties affected, but thanks to the resources provided by President Obama's emergency declaration and officials at FEMA, we have been able to turn this tragedy into a swift recovery.

On behalf of all North Carolinians, I would like to thank the officials at FEMA, the American Red Cross, the

Small Business Administration, and emergency first responders for taking swift action and providing our district with supplies, funding, and on-the-spot guidance for victims.

While we still have a tough road ahead, our district can take heart in the fact that every step is being taken to ensure that help will reach everyone affected and in a swift and efficient manner. I hope that all Americans will keep the residents and families of North Carolina and those families in Alabama and the other States that have been so terribly affected in their prayers as we continue to work in the rescue effort going forward.

Thank you. God bless America.

SMALL BUSINESS INNOVATION RESEARCH

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

Mr. ALTMIRE. Mr. Speaker, I rise today in support of the Small Business Innovation Research program. For over a quarter century, SBIR has been key to American competitiveness around the world. It has provided quality research, spurred technological advancements, and allowed innovative small businesses to partner with the government for the development of some of today's most cutting-edge goods and services.

The region I represent in western Pennsylvania is home to a number of companies that have benefited from the SBIR program, yet these companies have been faced with uncertainty over the past few years because Congress has failed to act on a full reauthorization. Short-term extensions are putting the future of research and development at risk. In this fragile economy, Congress owes it to these innovators to give them the certainty they need to fully pursue their ideas.

□ 1030

I have supported legislation to reauthorize this program for the past 4 years because I understand the importance of innovation and the Federal Government's unique role in creating a fertile climate for it. In the past, whenever our Nation has bounced back from economic downturns, innovation has been the catalyst. Time and again, inventive ideas have led to new products, generating a wave of job creation and putting us on a path back to prosperity.

This year, I have joined with my colleagues on the Small Business Committee to introduce a full 3-year reauthorization of the SBIR program. As Congress looks for ways to reduce spending yet keep America globally competitive, the SBIR program is that rare piece of legislation that can accomplish both goals simultaneously.

At its most fundamental, the SBIR program provides valuable seed money for entrepreneurs who are willing to explore untested concepts and, ultimately, develop new products. Additionally, it solves one of the primary concerns facing small businesses today—access to capital. This reauthorization would make important changes to the current program that will allow more entrepreneurs to participate by allowing companies that receive funding from multiple venture capital groups to competitively apply for a portion of SBIR grants.

Reauthorization of SBIR will allow us to continue to foster research and innovation that will translate into a wealth of new employment opportunities and economic growth for western Pennsylvania and all of America. I hope my colleagues will join me in supporting this bipartisan legislation that encourages creativity and ensures America will stay a global leader in innovation for years to come.

HONORING THE LIFE OF FORMER CONGRESSMAN ROBERT B. DUNCAN

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

Mr. BLUMENAUER. Mr. Speaker, I rise this morning to comment on the passing of a dear friend and Oregon icon, former Congressman Robert Duncan, who died last week at age 90. Bob served his Nation with distinction beginning with his service during World War II in both the merchant marine and the U.S. Navy. After graduating from the University of Michigan Law School, he settled in Medford, Oregon, with his wife Marijane. He was a State legislator from that community. He served two terms as speaker for the first time in Oregon history.

From there, he went to serve in Congress, representing the Fourth Congressional District in southwest Oregon until he was persuaded by President Lyndon Johnson to leave Congress to run for a vacated U.S. Senate seat against Governor Mark Hatfield. In a campaign that defined Oregon politics for over a decade, Bob lost narrowly to Mark Hatfield in, to say the very least, a heated campaign, focusing in large measure over the United States' involvement in the war in Vietnam, which he supported and Mark Hatfield opposed. A significant development was the endorsement of then-Democratic U.S. Senator Wayne Morris of Republican Hatfield, which many experts feel provided the narrow margin of victory for Hatfield. Later, Bob almost won the Democratic primary against Wayne Worse when he ran for reelection 2 years later sending shockwaves that reverberated for a decade.

I first had the opportunity to work with Bob Duncan when I was directing a campaign to lower Oregon's voting age in 1969, and he was a zealous supporter of engaging young people in the political process.

In 1974, Bob again made history by being the first Oregonian to represent 2 different districts in Congress as he was elected to the Third Congressional District, which I am now privileged to represent. He continued for another 6 years of distinguished service, serving on the Appropriations Committee.

After leaving Congress in 1981, Bob returned to private practice as a lawyer in Portland and Washington, D.C., and later served on the Northwest Planning Power Council.

Bob had many passions in his life but none more important than his family. He was married 48 years to Marijane until her death in 1989, and later, he married Kathy Boe and found many years of happiness. Bob had seven children who survive him: Nancy, Angus, David, Jamie, Laurie, Bonnie and Jeanne.

He was by turns a stubborn political animal, generous of spirit, with a legacy for courage strengthened by his convictions. He was a man of great humor, intellect, and conviction. He was also thrifty to an extent that is legendary to family and friends and many of his constituents. Until the end of his life I would still get letters from him with a series of 3-cent stamps and the old congressional return address on the envelope scratched over. But he was very careful with the taxpayer money in his Appropriations Committee to an extent that sometimes drove even his supporters to distraction.

He leaves a legacy for courage, passion for justice, and accomplishment of decades of service, particularly a decade in two very different congressional districts that were united in the admiration of this dedicated public servant. He will be missed, but fondly remembered.

RAPIDLY RISING GAS PRICES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise today to urge my colleagues to join together to immediately address one of the greatest problems facing our families and small business right now; that is, rapidly rising gas prices.

As I traveled across Rhode Island during the district work period, the issue of high gas prices was never far from anyone's mind. It affects every family's bottom line and the budgets of small businesses that are still recovering from the recession.

As our fragile economy continues, it is imperative that we work to find solutions in the short term as we turn our attention towards a serious, long-term solution to reduce our demand for oil. Our Nation simply cannot have low gas prices without reducing the amount of oil that we use.

We remain in constant competition right now with India, China, and other developing Nations, and the world does not have the resources to continue to supply us all with cheap oil, especially

with disruptions in the Middle East that continue to affect production.

I supported the American Clean Energy and Security Act last session because it took steps to immediately reduce demand through improved vehicle fuel economy standards and energy efficient technology in our buildings and homes, while investing in clean energy, including an increased commitment to the research and development of offshore wind.

We should put our money behind those efforts instead of giving billions of dollars in tax breaks each year to oil companies. As we just recently heard, ExxonMobil just reported first quarter earnings of $11 billion, a nearly 70 percent increase, with other oil companies following closely behind. Mr. Speaker, let's eliminate subsidies for these big corporations that don't need our help.

In the short term, Congress must partner with President Obama and support Attorney General Holder's efforts to monitor oil and gas markets and safeguard consumers against unlawful practices. We also need stricter guidelines for speculators and getting speculators out of the market. We need guidelines for people who buy oil just to sell it at a profit, perhaps by allowing people to buy oil on the market only if they can actually receive product.

Additionally, I urge my colleagues to pressure oil companies to drill on domestic lands where they already have existing leases. The industry right now is drilling on less than a quarter of the 80 million acres where it already has leases approved. While this is not a long-term solution, we need responsible drilling on lands where there are existing leases. Now, this is, I believe, a faster, fairer, and safer path to more domestic production, unlike legislation on the floor this week which will put oil rig workers and the environment at risk by expediting critical safety reviews.

None of this, of course, lessens the urgency of switching to alternative fuels.

□ 1040

The U.S. has only 1.4 percent of the world's proven oil reserves but currently consumes 22 percent of the world's oil.

In the long run, we will remain susceptible to repeats of the current crisis unless we take every opportunity to decrease our dependence on oil. Now I want to highlight one important initiative in my State that involves public transportation. The Rhode Island Public Transit Authority acquired just recently 53 new hybrid buses and is upgrading 10 trolleys to hybrid propulsion, and we should encourage others to follow their lead. RIPTA expects that their new hybrid fleet will save them approximately 20 percent on fuel usage, which will help prevent price increases and route closures.

We should build on the success in Rhode Island nationally by requiring specific hybrid and fuel efficiency standards for any vehicles involved in Federal grant programs. Complicated problems, like the price of gasoline, often require difficult solutions. But we cannot let this prevent us from moving forward and delivering to our constituents who cannot afford these costs or a slowed economic recovery. Mr. Speaker, I urge my colleagues to work together to enact short-term provisions and long-term solutions to bring relief to working families and small business.

RECESS

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

Accordingly (at 10 o'clock and 41 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

Reverend Dr. Kurt Gerhard, St. Patrick's Episcopal Church, Washington, D.C., offered the following prayer:

God of peace, Who called all people from every nation to seek reconciliation with each other for the good of creation, inspire in us the will to persevere, through moments of conflict, to seek common ground.

Bless this country and all its leaders in the continued fulfillment of a vision set forth in July of 1776 that all people are ''endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.''

During this session of the 112th Congress in this, the people's House, may the hearts of these duly elected Representatives be blessed with the integrity of purpose and the steadfast commitment to seek and serve the people of the United States of America for the betterment of this country and the world.

We ask this all in the name of the one God, the God of all nations. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. JOHNSON of Ohio 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.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches from each side of the aisle.

GAS PRICES

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

Mr. JOHNSON of Ohio. Mr. Speaker, the average for a gallon of gas in Ohio is over $4 a gallon. In eastern and southeast Ohio, this is particularly hard on families who live in rural areas. Farmers, ranchers, seniors, working families who have limited means of transportation—these high gas prices are having a negative impact on everyone. The higher gas prices go, the more of an impact it has on our economy and on our chances for a real economic recovery.

Small business owners are watching money they could otherwise invest in their businesses go to paying for fuel, and working families are anxiously redoing their budgets to account for higher fuel costs and looking for ways to cut back.

We're blessed with an abundance of natural resources in Ohio. We're one of the highest coal-producing areas, and with the Marcellus shale right next door in West Virginia, we're poised to make an enormous contribution to making America self-sufficient in energy. We need an energy strategy that will help us become energy self-sufficient so we stop relying on other countries to meet our energy needs.

Now is the time to levy a ''permatorium'' on developing American energy resources. Let's open up our American resources and put our country on the path to ensuring our energy security, instead of continuing to rely on foreign sources for energy.

WE MUST NOT PASS H.R. 3

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

Mr. QUIGLEY. Madam Speaker, I rise today in opposition to H.R. 3 and to remind my colleagues of two key dates.

January 20, 2011, the day H.R. 3 was introduced. Just 3 months ago, the authors of this extremist, offensive bill introduced a version of H.R. 3 that would have redefined rape and incest. They don't want us to remember, but we cannot forget 173 Members of Congress signed their names to a bill that would have redefined rape to exclude women who are unconscious, mentally disabled, or forced into sex by threat.

The authors of this bill would also like us to forget another important date: January 22, 1973. On that day, the Supreme Court ruled that women have the right to make their own decisions about their own bodies and their own lives.

But we will not forget that date, and we will not forget the 173 Members of this body who want to redefine rape and incest, and we will not turn back the clock to a time when women could not make their own choices and access vital care.

We will not forget. We will not go back, and we must not pass H.R. 3.

NAVY SEALS 1—BIN LADEN—0

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

Mr. POE of Texas. Madam Speaker, Osama bin Laden has met his maker, and we appreciate the Navy SEALs for arranging the meeting, but Pakistan gives us some concern. It seems like Pakistan might be playing both sides, and they have a lot of explaining to do.

For all these years, we believed that Osama bin Laden was on the run, living in a cave; but, apparently, Satan's Pawn has been living for years in a million-dollar compound just yards away from a Pakistani military base, but Pakistan claims no knowledge of Osama bin Laden's whereabouts. I just don't buy it.

I've introduced a bill that would require Congress and the American people to get a full understanding of what Pakistan knew about bin Laden's whereabouts and when they knew it, before we give them any more American money. Congress has already appropriated $3 billion in aid to Pakistan for this year; and unless Pakistan can prove that they were not providing sanctuary for America's number one enemy, they should not receive any American aid.

And that's just the way it is.

OPPOSE H.R. 3

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

Ms. TSONGAS. Madam Speaker, I rise in strong opposition to the majority's attempt to undermine a woman's right to choose, a right that is fundamental to a woman's freedom.

H.R. 3 would raise taxes on any American whose employer-sponsored health care plan provides coverage for an abortion. It eliminates Americans' right to use their own funds in health savings accounts for a legal abortion unless they can prove to the IRS that they were victims of rape or incest. This legislation allows a hospital to refuse to perform an emergency abortion, even if a woman would die without it. It would allow doctors to refuse abortion services, even if a pregnancy threatens a woman's health. And this law makes radical changes to the way we treat survivors of rape and even how we define rape.

My colleagues say that they are for no new taxes and for preserving life, but this legislation belies that claim.

HAMAS MERGER

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

Mr. PITTS. Madam Speaker, the news that Osama bin Laden had been killed by U.S. forces on Sunday brought reassurance to many around the world that justice had finally been served. A man responsible for the deaths of thousands of innocent people of all races and religions had been located and eliminated. However, not everyone saw it the same way.

Ismail Haniyeh, leader of Hamas in Gaza, called bin Laden a sheikh and said, ''We condemn the assassination and the killing of an Arab holy warrior.'' This comes the same week that Palestinian political parties Hamas and Fatah have reconciled and formed a unity government.

How can the United States provide aid to a unity government if one of its most important leaders praises a mass murderer? How can Israel negotiate treaties with a government composed of a party that is actively seeking its destruction?

There cannot be true peace as long as Hamas holds up Osama bin Laden and other terrorists as heroes. The Palestinian people must recognize that hatred and terrorism will never bring them true peace and true independence.

COMMEMORATING JEWISH AMERICAN HERITAGE MONTH

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

Mr. CICILLINE. Madam Speaker, I rise today to honor and recognize the rich history of the Jewish American experience in the United States as we mark Jewish American Heritage Month.

It is fitting that the words of the Jewish American poet, Emma Lazarus, are immortalized on the Statue of Liberty, ''Give me your tired, your poor, your huddled masses yearning to breathe free,'' because here in the United States we recognize the powerful impact of the Jewish American experience—people who escaped persecution, arrived here as immigrants and prospered.

Jewish Americans formed strong communities, became involved in their neighborhoods, and have made lasting contributions to our country. Jewish Americans represent some of this country's, and indeed the world's, foremost innovators in health and science, business and industry, politics and government, arts and culture. This spirit is also found in many Jewish Americans who work tirelessly to seek a better life for future generations.

In celebrating the many milestones of Jewish Americans this month, we honor the lives, work, and rich history of Jewish Americans throughout our Nation. And that's why this month we take time to remember the unique Jewish American identity, steeped in history and faith, and their tremendously important contributions to our Nation.

□ 1210

SHALE NATURAL GAS

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

Mr. REED. Madam Speaker, I rise today to bring attention to the plentiful natural gas reserves that we have in the United States. Many of my colleagues may not be aware of two studies which recently highlighted the abundance of this clean-burning domestic fuel source which holds so much promise.

The first study I would like to draw attention to is the Energy Information Administration's Energy Outlook 2011, which analyzes energy production, consumption, technology, market supply and demand, and the direction those trends may take in the future. The outlook anticipates strong growth in the natural gas development and consumption because of development of shale gas resources. The outlook notes that growth in natural gas would not be permissible but for the combination of horizontal drilling and hydraulic fracturing technologies which have made shale gas economical to produce. The outlook finds that hydraulic fracturing and horizontal drilling have led to an average annual growth rate of 48 percent in the time period from of 2006 to 2010.

The second study I would like to mention is the American Gas Association's Potential Gas Committee 2010 biennial report.

This report highlights the potential supply of natural gas in the United States. To be specific, the report finds that the Untied States possesses an untapped natural gas resource potential of 1,898 trillion cubic feet. This is the highest resource evaluation in the Potential Gas Committee's 46 year history.

My Congressional District in New York State overlays a formation known as the Marcellus Shale. This shale play is one of the leading contributors to the rapid growth in estimates of recoverable natural gas in the United States.

By developing and utilizing these massive natural gas reserves, we can begin to reduce our dependence on foreign oil, and thus over time, reduce the cost of gasoline. As we all know, American producers and consumers are paying a heavy price as the cost of gasoline continues to rise. Everything costs more to produce, more to transport, and more to purchase.

Reducing our dependence on foreign oil is both a national security issue and an economic issue. I urge my colleagues to consider

these reports and support policies that will lead to the development of these valuable resources.

VOTE ''NO'' ON H.R. 3

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

Ms. BASS of California. Madam Speaker, I rise in strong opposition to H.R. 3, which the House will vote on later today.

After voting last month to end Medicare, as we know it, for seniors, today the majority is attacking women's reproductive freedom. For the last 3 months, we have watched as the majority party has consistently attacked the right of women to receive comprehensive health care, and today is no different.

H.R. 3 has outrageous provisions that would end comprehensive private health insurance coverage and reduce women's access to abortion care in many ways. H.R. 3 manipulates the Tax Code to restrict access to comprehensive care. The bill raises taxes on individuals and small businesses with insurance plans that cover abortion, forcing them to drop their health insurance plan.

H.R. 3 is an unprecedented attempt to deny access to full reproductive care. I urge my colleagues to vote ''no'' on this radical antichoice bill.

TAX PENALTIES ON WOMEN'S HEALTH

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

Ms. RICHARDSON. Madam Speaker, I rise today in strong opposition to H.R. 3. This deceptively titled legislation is nothing more than an assault on women's access to health care.

If enacted, this legislation would severely curtail women's access to reproductive health care services. What would it do? It would impose tax penalties on women. It would narrow the already restrictive areas that the Hyde amendment has dealt with. And further, what I find most alarming, it would attack the coverage for Federal employees, including women who serve in the military. Where is all of our applause now?

The Hyde amendment clearly states that no taxpayer dollars are to be used for abortion care and has narrowly provided exceptions that state for rape, incest, and health complications that arise from pregnancy which would put a mother's life in danger. Are we against that?

I urge my colleagues to vote ''no'' on this bill resoundingly, ''no'' on H.R. 3.

ABORTION COVERAGE

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

Mr. PETERS. The people in Michigan are clear: Our number one priority is jobs. And yet the Republican majority here in Washington is once again ignoring the economy and pushing a bill that raises taxes and attacks women's health care choices. Current law already prohibits Federal funds from covering abortion services, and it has for 30 years. Now Republicans want to stop private insurers from offering coverage, and they want to ban women from purchasing a comprehensive health care plan with their own money.

H.R. 3 is not about taxpayer funding, and it's certainly not about reducing the deficit. It is an extreme plan that will raise taxes on any person or business that buys insurance that includes abortion coverage. That's right, if a small business wants to treat women equally and guarantee them access to legal health care services—paid for with their own money—that business will pay higher taxes.

Do not be fooled by the talk about taxpayer funding. This bill is harmful to women's health. It undermines the right to choose, and I urge my colleagues to vote ''no'' on this bill later today.

WHEN WILL THE REPUBLICANS WORK ON RESTORING JOBS?

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

Mr. HIMES. Madam Speaker, I rise this morning with a question, which is: What are we doing? What are we doing here? Like all 434 of my colleagues, I just spent 2 weeks at home listening to my constituents, and I heard one message: Do everything you can. Don't let a second go by. Work to restore jobs in this country. Improve the economy.

And I get down here on Monday, and what did we do this week? We voted in this Chamber to eliminate funding for school-based health centers, funding for kids who don't have any other way to see a doctor. Today, thanks to the Republican majority, we will vote to try to scale back the right of women to have access to reproductive health care. And later on this week, we are going to take up measures that will keep the gravy train flowing to the oil companies, the $4 billion in our taxpayer money that goes to companies like ExxonMobil, which last week reported $10 billion in profits. I'm glad ExxonMobil is making money, but you know what? They don't need ours.

So what are we doing? When is the Republican majority going to get serious about the one thing that my constituents care about—jobs?

NEW HEALTH INSURANCE TAX

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

Ms. SCHAKOWSKY. I rise in strong opposition to H.R. 3.

You know, Republicans say that they are for smaller government, but that ends when it comes to women. In order to curtail women's reproductive rights, it isn't enough to prevent the public dollars from helping poor women end a dangerous or unplanned pregnancy. That's already the law: no public money for abortions. But now they are going to raise taxes on small businesses, telling them that if they offer a health plan for men or women that has the gall to cover abortions—and, by the way, that's about 90 percent of plans that cover all legal procedures—then they can no longer get a tax break for offering such a plan.

Raising taxes on businesses that offer comprehensive health plans, that's the bill that's up today. Now, even private money of individuals, both men and women, and businesses will now face a new tax. So, so much for small government and lower taxes that the Republicans talk about.

□ 1220

THE NO TAXPAYER FUNDING FOR ABORTION ACT

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

Ms. ESHOO. Madam Speaker, I rise today in opposition to H.R. 3, the No Taxpayer Funding for Abortion Act.

First of all, to imply that taxpayers fund abortions today is a lie. No, not one penny can be spent on abortions because of the Hyde Amendment which passed on September 30, 1976.

What this bill does is to play reproductive roulette with the Tax Code. Under H.R. 3, if someone buys private insurance that includes coverage for abortions, they will be taxed. If someone buys private insurance, using your own money, obviously, that doesn't include coverage for abortions, then they can deduct the cost of the health plan from their taxes. This would turn our tax collection agency into a health care policing agency.

I support a woman's right to opt for or against abortion. The decision is private. It's a matter of faith. It's a matter of conscience, and our Constitution recognizes this.

Make no mistake, this is an attack on women's health and it's a giant step back for the equality we've worked so hard to achieve. This is wrong, this is dangerous, and the House should oppose it.

OPPOSING H.R. 3

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

Mr. HOLT. Madam Speaker, I also rise in strong opposition to H.R. 3.

Our first priorities here in the House of Representatives must be helping foster job creation and supporting middle-

class families. Yet, more than 4 months into this Congress, we have not considered one bill, not one bill that would achieve these goals.

Instead, we have before us today H.R. 3, one of the centerpieces of the Republican agenda, and it would limit the health care choices of women.

Now, even if all it did is what the name implies, to prohibit Federal subsidies for abortion, it would be redundant, unnecessary and misguided. But it's much worse than that. In truth, it's an unprecedented and extreme attempt to limit health insurance coverage for American women, to raise taxes on small businesses, to infringe on the legally protected right of American servicewomen, to make this legal, constitutionally protected medical procedure inaccessible to women.

I oppose H.R. 3, and urge my colleagues to vote ''no.'' And I urge the majority to get to work helping Americans to get to work.

VOTE ''NO'' ON H.R. 3

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

Mr. FARR. Madam Speaker, it appears that there are some in this body who believe that if you state a falsehood often enough people will believe that it's the truth. That's what the bill before us is all about. It's an attempt to legislate something that isn't.

The proponents of H.R. 3 want you to believe that abortion is rampant in America, and we spend zillions of Federal dollars a year, and this bill will stop the use of those Federal funds. This is a crock of baloney.

Everyone in this House knows that Federal funds are not spent on abortions. It's been the law of this land for the last 35 years. H.R. 3 will have no effect, zero, nada, on the use of Federal funds for abortion services in America because it's the law under which we are already operating.

But what H.R. 3 will do is drastically codify an untruth. It will reach into the pockets of women and prevent them from using their own money, their own private money, on purchasing health care insurance which covers abortion services.

This is a mass intrusion into the private lives of people and to businesses. It should be defeated.

ASSAULT ON WOMEN'S HEALTH

(Mrs. LOWEY asked and was given permission to address the House for 1 minute.)

Mrs. LOWEY. Later today, the House will continue its extreme assault on women's health. H.R. 3 would prevent small businesses and families from receiving tax credits for private insurance coverage that includes safe and legal health procedures; allow hospitals to deny lifesaving care to women; if audited, potentially require victims to prove to the IRS agents they were raped.

Most troubling, in the report accompanying the bill, radical Republicans want to limit the exception for rape victims who can access full legal health services to only forcible rape victims.

This bill to limit women's health services is a shameful distraction from the public's top priority, creating jobs.

BIG OIL WELFARE REPEAL ACT

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

Mr. YARMUTH. Madam Speaker, with gas prices in my district in Louisville, Kentucky hitting $4, as they are all over the country, ExxonMobil just reported earnings of $10.7 billion for the quarter, almost 70 percent higher than last year. BP, Conoco, Shell, and Chevron already reported huge increases in profits. And we are still giving them taxpayer-financed subsidies.

Last week, the chairman of the Budget Committee said he thinks we ought to do away with these subsidies. And yet, he and the rest of the Republican majority are pushing a budget that not only sustains those giveaways to oil companies, but also would lower taxes for billionaires, all at the expense of our seniors, our students and our struggling families who are paying that $4 a gallon all over the country.

We ought to do away with these subsidies, and the Democrats have introduced the Big Oil Welfare Repeal Act to do just that. If we are serious about deficit reduction and equity in this country and fairness, we will pass the Big Oil Welfare Repeal Act, and we will help to begin to return this country to having an economy that works for everybody, and not just for ExxonMobil.

THE NO TAXPAYER FUNDING FOR ABORTION ACT

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

Mr. HINCHEY. Madam Speaker, I rise in opposition to H.R. 3, which has nothing to do with taxpayer funding of abortion. Right or wrong, Federal funding for abortion hasn't been allowed for more than 3 decades.

Instead, H.R. 3 has everything to do with infringing on the constitutionally protected right to an abortion that has been the law of the land for 38 years.

For years we've been listening to Republicans call for smaller government, less regulation, fewer taxes. But this bill represents the opposite of these values. It's more regulation on business, more regulation on health care decisions that should be left up to women and their doctors. It's more taxes on small business, more taxes on women. And it's more control by anti-choice extremists in Washington.

Finally, this bill isn't about job creation either. Instead, it's about bringing up divisive legislation that has no hope of becoming law in order to divide and distract the American people.

It's been 4 months, and still the new majority here hasn't brought a serious bill about job creation to this floor for a vote. It's time to get back to the work of putting Americans back to work. Let's do that.

NO TAXPAYER FUNDING FOR ABORTION ACT

Mr. NUGENT. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 237 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 237

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3) to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. For the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. NUGENT. House Resolution 237 provides for a closed rule for consideration of H.R. 3. The rule provides for ample debate on this bill and gives Members of both the minority and the majority the opportunity to participate in the debate.

Madam Speaker, I rise today in support of this rule and the underlying

bill. For the past 30 years, we've used a patchwork system of clauses and amendments to protect American tax dollars from being used to pay for abortions. Every year Congress has to attach a series of amendments to appropriation bills specifically stating that funds spent in that legislation may not be used for elective abortions. Every year these amendments pass. These amendments pass, Madam Speaker, because Members of Congress know and recognize the fact that the vast majority of Americans do not want their hard-earned money to be spent for abortions of innocent, unborn lives.

□ 1230

In 2010 the Zogby/O'Leary poll found that 77 percent of Americans believe that Federal funds should never be used to pay for abortions or should only be used to save the life of the mother—77 percent, Madam Speaker. This number proves that even people who support a woman's right to choose still believe that tax dollars should not pay for that choice.

Clearly the time has come to move beyond this piecemeal approach and reform the way our Nation addresses this very important and sensitive issue.

H.R. 3 simply codifies and makes permanent the policies that currently rely upon regular, re-approval of Congress. Among the riders made permanent to H.R. 3 are:

the Hyde amendment, which prohibits funding for elective abortion coverage through any program funded through the annual Labor, Health and Human Services Appropriations Act;

the Helms amendment, which prohibits funding for abortion as a method of family planning overseas;

the Smith Federal Employee Health Benefit Plan amendment, which prohibits funding for elective abortion coverage for Federal employees;

the Dornan amendment, which prohibits the use of congressionally appropriated funds for abortion in the District of Columbia;

the Hyde-Weldon conscience clause, which ensures that recipients of Federal funding do not discriminate against doctors, nurses, and hospitals because they do not provide, pay for, cover, or refer for abortions.

Madam Speaker, a woman's right to choose can be a divisive issue that splits the American people down the middle. However, we aren't talking about a 50/50 issue; we're talking about 77 percent. It's clearly a majority.

Just like Americans on both sides of the aisle believe that tax dollars shouldn't go to pay for abortions, so do the Members of Congress from both parties. There are 227 bipartisan cosponsors of H.R. 3. I'm proud to be one of those cosponsors.

H.R. 3 will ensure that American taxpayers are not forced to fund what many consider the destruction of innocent human life through abortion on demand.

The No Taxpayer Funding for Abortion Act will establish a government-wide statutory prohibition on funding abortion or insurance coverage that includes abortion. This comprehensive approach will reduce the need for numerous separate abortion-funding riders.

It eliminates abortion-related amendments to appropriation bills, bills that the rules of the House remind us aren't even supposed to legislate through amendments. It ensures that all Federal programs are subject to this important safeguard.

Once again, Madam Speaker, I rise in support of this rule and the underlying legislation. I encourage my colleagues to vote ''yes'' on the rule and ''yes'' on the underlying bill.

I reserve the balance of my time.

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

We have had many misnamed bills, euphemistically called almost anything to try to make some kind of point, but this one does not have a thing in the world to do with restricting Federal money used in abortions. That has not been done for 30 years. This bill actually says let's try to make sure that no insurance companies in the country will ever cover them again no matter what the circumstances.

With no other medical procedure would we be even standing here talking about what's best for American citizens. In all my years in Congress, I have never had to debate a bill about how and when a patient can receive an appendectomy nor a bill about how or when a patient can receive corrective surgery nor is it legal to have a vasectomy.

Yet here we are today debating a bill that will reach far beyond the status quo and place restrictions on the constitutionally protected right to access reproductive health care. In the case of abortion, it has been decided with this bill that they can dictate how and when a woman is allowed to receive reproductive health care.

In part because women are instinctual nurturers, the decision about whether or not to have an abortion is one of the most personal and important decisions that they will ever make. In making this decision, a woman should be free to consult with whomever she pleases, whether it be her doctor, her spouse, her family, a parent, confidant, or religious adviser.

But a woman should never, never be forced to adhere to extreme restrictions placed upon her by Members of Congress. I've served in three legislatures, and in every one of them were always men in blue suits who knew very little about the life-altering experience of pregnancy and birth who demanded this kind of action.

I have often spoken in support of a woman's right to access an abortion and have many people, including some of my own constituents, who disagree with me, and that's fine. They have never, however, tried by law to enforce upon me what they themselves believe.

Once I was at a meeting in my district and I was asked by a man who was strongly opposed to a woman's right to choose, What should be done about that? And my response to him was simple and personal and still applies today.

I asked him that if, God forbid, he ever finds himself in a difficult position of having to decide whether or not his wife needed to have an abortion, either because of the health of the fetus or the mother was in danger or because of another personal or private matter, is he willing to say to people gathered in the hospital and during the discussion, No decision can be made until LOUISE SLAUGHTER gets here because Congress will make that decision for him?

The right to an abortion is already a procedure that is carefully regulated by the decision of Roe v. Wade. Today's legislation would go far beyond this status quo and further restrict access in an attempt to make it practically impossible to receive an abortion under these laws.

Today's bill changes the tax system—this is an important point and I want you to understand this—for private health care plans that offer abortion coverage to small businesses and individuals, as most of them do. If passed into law, this bill would pressure private health insurance plans to stop offering that coverage altogether. And that, Madam Speaker, is the purpose of this bill.

In addition, and most egregiously, today's legislation opens the door to the IRS audits of rape and incest survivors, to prove that they followed the law when paying for an abortion. Do we do this with anything else—I'm absolutely astonished—to place this kind of burden on a medical procedure? It's been designed specifically to chip away at the rights of women.

Most egregiously, this bill has put a dangerous provision into the committee report that accompanies this bill. Please listen up. You need to know what this says in this report language, which is as important as the bill itself. That report language states that the legislation is intended to prohibit the use of Federal money to subsidize abortions in cases of statutory rape. That, ladies and gentlemen, is the rape of a child too young to give consent.

Now, think about that for a moment. This bill forbids any money being used to help that child. It's not bad enough that they have been raped or that they are victims of incest. Now we're telling them that they have to keep records so that they can prove to the IRS that they followed the law? That is what I thought about when I made the statement earlier this spring ''show me your papers.'' And that is precisely what this bill is asking to do.

If this bill becomes law, think about the statutory rape. Think about your children. Think about other people's children. If it becomes law, the committee report will become one of the

documents relied upon by the courts when deciding the cases about abortion. With the committee report in hand, a future justice would have the document they need to further restrict access to abortion for victims of rape and incest. If this sounds extreme, believe me, it is.

We, like our Nation's Founders, know that each individual is entitled to his or her beliefs. But no matter how strongly we believe them, we should not be allowed to force them upon others as we wish. Yet placing an ideology upon others and restricting their choices when it comes to reproductive health is the spirit behind today's legislation and one of the many reasons why it should be stopped.

□ 1240

As we all know, at the time of our Nation's founding, the ideal of equal rights and freedoms was far from realized. In fact, it was not even of much concern. African Americans were property; women could not vote or own anything; and indeed, a pregnant woman who was widowed could find that her child had been willed away from her by her husband, who had all the rights. Native Americans were pushed off their land and out of our society.

With great struggle and over time—and certainly, I know of the struggle for women's rights because of what happened in my own district, which is where that struggle began—we have righted many of these wrongs, and as a Nation, we have come to believe that men and women of every color and creed are created equal, that we are all entitled to the rights and individual freedoms at the core of our Nation's ideals.

Today's proposed legislation up-ends the principle of equal rights and freedoms by placing severe restrictions on the constitutionally protected right to an abortion. Instead of crafting legislation to restrict a woman's right to safe, secure reproductive health, this Congress should respect the rights of women and uphold their constitutionally protected rights.

I strongly urge my colleagues to vote ''no'' on today's rule and on the underlying bill, which may be the most egregious that comes to the floor this year.

I reserve the balance of my time.

Mr. NUGENT. Madam Speaker, I yield 3 minutes to my colleague, Dr. GINGREY of Georgia.

Mr. GINGREY of Georgia. I thank the gentleman from Florida for yielding.

I do rise in very strong support of this rule as well as the underlying bill, H.R. 3, the No Taxpayer Funding for Abortion Act.

I would also like to commend our colleague from New Jersey, Representative CHRIS SMITH, for his leadership on this legislation and for his steadfast pro-life stance throughout his tenure in Congress.

Madam Speaker, as a practicing OB/GYN physician for nearly 30 years, I believe that all life is sacred. The issue of abortion is a very personal issue for me as it is for many people across the country and for many Members of this body. However, that is not why we are considering this legislation on the House floor today. Instead, we are here to answer one simple question:

Should American tax dollars be used to fund abortions? When an elective choice can decide life and death, should the Federal Government be allowed to use tax dollars to pay for that choice?

Madam Speaker, H.R. 3 is a bill that seeks to set right what the last Congress got wrong: to ensure that abortions are not funded by taxpayer dollars. At its very base level, H.R. 3 simply codifies the Hyde Amendment, which has been enacted in some form or another as an appropriations rider since fiscal year 1976. Through this legislation today, we will make permanent the prohibition on Federal funding for abortions, thereby eliminating the inherent vulnerability that riders like the Hyde Amendment face as part of the annual appropriations process.

Furthermore, H.R. 3 codifies the Hyde-Dr. Dave Weldon conscience clause that has protected health care providers from discrimination by State and local governments for simply refusing to provide, to pay for or to even refer for abortion. Additionally, H.R. 3 will allow those health care providers who choose not to perform abortions legal recourse if they face, as they often do, overt discrimination.

Madam Speaker, H.R. 3 also prevents Federal funds from being used for tax credits that subsidize health insurance coverage that includes elective abortion through the Patient Protection and Affordable Care Act, so-called ''ObamaCare.'' One of the many problems with this law ObamaCare is that there is no statutory language prohibiting premium assistance from being used for abortions despite many efforts of House and Senate Republicans during the last Congress. H.R. 3 provides the assurance that our taxpayer dollars will not be used in any form of Federal subsidies for abortion coverage.

So, Madam Speaker, as a father and as an OB/GYN physician who has delivered over 5,000 babies, I will be voting to ensure that the Federal Government does not use taxpayer dollars for any elective abortion. I ask all of my colleagues to support this rule as well as the underlying bill, H.R. 3.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Madam Speaker, I rise in vehement opposition to this rule and dangerous legislation, the No Taxpayer Funding for Abortion Act.

This extreme bill's title belies its true intent—to go far beyond current law and comprehensively curtail women's health care. This bill isn't just about taxpayer funding for abortion. It is a comprehensive attack on women's lives. We hear all the time that people want government out of their lives, out of their business. There is nothing more invasive than the government's getting in between families and their doctors when making this difficult decision.

This bill won't save taxpayer dollars or create jobs, but it will undermine women's health, and it will hurt small businesses by penalizing them for offering their employees insurance plans that cover a full range of women's health care. This is a slap in the face of small businesses, which are trying to take care of their companies, their employees and their own families. It is also a slap in the face to any family that has to make the difficult decision to seek abortion care.

As a daughter and wife of physicians, I am shocked that we would so quickly dismiss the judgment of our country's medical personnel and families in making the best decision to preserve the health and lives of their loved ones. We are wasting time on divisive issues while denying the real implications this will have on our families and economy.

I urge my colleagues to join me in strong opposition to this bill.

Mr. NUGENT. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentleman for yielding me the time.

Madam Speaker, Americans deserve to know how the government spends their money, and they are right to refuse the use of their tax dollars for highly controversial activities—in this case, abortion. Let me first make my own position clear.

I am pro-life, and I believe that women deserve better than abortion; but certainly, we can all agree that the U.S. Government should not take tax dollars from hardworking Americans to fund abortion. I really believe it is time that we look at the reality of abortion, that we be honest and see the choice for what it is. It is interesting to note that the early feminist movement recognized that abortion is a fundamental injustice. Abortion harms women. It takes the lives of children, and it allows a man to escape his responsibility.

The abortion industry many times profits from all of this pain. Abortion is also so often the result of psychological or physical coercion or even emotional or physical abandonment, which is a tragic social paradigm that has caused a deep wound in the soul of our country. No matter how difficult the circumstances, Madam Speaker, I believe we can and must do better as a society, and at a minimum, taxpayer dollars should not be involved.

This issue has manifested itself again most intently during the health care debate. Unless a prohibition is enacted, taxpayers will fund abortion under the framework of the new health care law. Madam Speaker, abortion is not health

care. The House of Representatives recently voted to stop the use of taxpayer funds for abortions in the District of Columbia. For decades, Congress has proscribed Federal funding for abortion in this piecemeal fashion through the Hyde Amendment and other similar provisions in annual appropriations.

It is time to settle this once and for all as the majority of Americans wish. This bill will provide a comprehensive prohibition on the use of Federal tax dollars to fund the socially divisive issue of abortion, and it is time we stopped it.

Ms. SLAUGHTER. I yield myself 30 seconds just to speak to something that is very important.

H.R. 3 is actually dangerous for women's health. By refusing to provide any exceptions to women who are facing serious health conditions—cancer, heart or whatever that may be—you are forcing women to choose to risk their health or to risk bankruptcy, and I think that is morally unacceptable.

Under H.R. 3, a woman facing cancer who needs to terminate a pregnancy in order to live might have to go into debt over the $10,000 that the legal and necessary procedure could cost. Despite having both health insurance and tax-preferred savings accounts, this bill would prevent her from having that.

I am pleased to yield 1½ minutes to a nurse, the gentlewoman from California (Mrs. CAPPS).

□ 1250

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I rise in strong opposition to this rule and to the underlying legislation.

A mere 2 weeks ago, the Republican majority brought us to the brink of government shutdown over their disapproval of Planned Parenthood. But instead of moving past divisive social issues and addressing our economic challenges with housing and creating jobs, we are here again today witnessing the Republicans' obsession with reopening the culture wars.

H.R. 3 represents the most egregious attack on reproductive rights in over 35 years, rights that are protected by the Supreme Court decision. H.R. 3 uses the Tax Code to effectively deny access to insurance that includes abortion care coverage, no matter how it is paid for. What it doesn't do is trust our Nation's women, trust our Nation's families, their doctors, their clergy, and trust small businesses to make their own health care choices for their employees. This is unacceptable. Make no mistake, despite the rhetoric coming from the other side of the aisle, the bill is not about funding. It is about using our laws and our Tax Code to infringe upon the rights of women, the protected rights of women and families across this Nation.

Madam Speaker, it is time that this Congress places trust in our Nation's women, its families and small businesses to make their own health care choices.

Mr. NUGENT. Madam Speaker, I yield 5 minutes to my colleague from New Jersey (Mr. SMITH), the author of H.R. 3.

Mr. SMITH of New Jersey. I thank my good friend Mr. NUGENT for yielding and thank him for his leadership.

Madam Speaker, America has changed and today is more pro-life than ever. By ever-increasing majorities, especially among our young people, the megatrend is to protect the child in the womb from the insidious violence of abortion and to protect women from the trauma, often lifelong emotional harm, of procuring an abortion.

This paradigm shift, reflected in all the major polls, is the direct result of pro-life education, pregnancy care centers, pro-life laws, including funding bans, informed consent and parental involvement statutes, the molding of consciences by the faith-based community and advances in ultrasound that have shattered the pernicious pro-abortion myth that the baby in the womb isn't a human person or alive or of innate value.

Even Planned Parenthood abortion clinic director Abby Johnson was shocked into her new pro-life view by witnessing an ultrasound-guided abortion of a 13-week-old baby who was dismembered and pulverized in real time right before her eyes at that Texas clinic.

But perhaps the greatest reason for the huge shift in public opinion in favor of life is the growing number of extraordinarily brave post-abortive women who deeply regret their abortions and today are silent no more.

One post-abortive woman told a group outside the U.S. Supreme Court, and I heard her say it, that as she lay on the operating table, the abortionist laughed as he inserted a sharp knife into her womb and said, ''Oh, it is trying to get away.'' Partially sedated, the woman immediately pleaded with the nurse and doctor to stop the abortion and to spare her child. They told her to shut up. Today she is deeply wounded by that cruel assault, that lethal assault on her baby.

Dr. Alveda King, niece of the late Dr. Martin Luther King, has had two abortions. Today she has joined the growing coalition of women who deeply regret their abortions. Out of deep personal pain and compassion for others, they challenge us to respect, protect and tangibly love both mother and child.

The women of Silent No More give post-abortive women a safe place to grieve and a roadmap to reconciliation. And to society at large, and especially to Congress, these brave women compel us to rethink and to reassess the cheap sophistry of the abortion culture. Reflecting on her famous uncle's speech, the ''I Have a Dream'' speech, Dr. Alveda King asks us: ''How can the dream survive if we murder the children?''

Madam Speaker, there is no doubt whatsoever that ending public funding for abortions saves lives. Even the pro-abortion Guttmacher Institute in June of 2009 in a report said ''approximately one-fourth of women who would have had Medicaid-funded abortions if the Hyde amendment didn't exist instead give birth when this funding is unavailable.''

I vividly remember the late Congressman Henry Hyde being moved to tears when he learned that the Hyde amendment had likely saved the lives of more than 1 million children, who today are perhaps in school and getting ready for summer vacation, perhaps playing sports, or, if they are in their twenties or thirties, building their own families.

H.R. 3, the No Taxpayer Funding for Abortion Act, comprehensively ensures that all programs authorized and appropriated by the Federal Government, including ObamaCare, including the Hyde amendment, do not subsidize the killing of babies except in the rare cases of rape, incest and life of the mother.

H.R. 3 ends the current IRS policy allowing tax-favored treatment for abortions under itemized deductions, HSAs, MSAs and FSAs. H.R. 3 also ends the use of tax credits under ObamaCare to purchase insurance plans that include abortions, except in cases of rape, incest or life of the mother.

Today we seek to end taxpayer complicity in abortion violence. No taxpayer should be coerced to pay, subsidize or facilitate the dismemberment, the chemical poisoning, the starvation—and remember, that is how RU–486 works; it first starves the baby to death, then the other chemical brings on delivery of a dead baby—or the suctioning to death of a child and the harming of women.

Regarding conscience rights, H.R. 3 protects pro-life health care entities by discrimination by State, local and Federal governments and empowers the courts with the authority to prevent and redress actual or threatened violations of conscience.

The need for this protection is great. According to the Alliance of Catholic Health Care, which represents California's Catholic health systems and hospitals, ''California's Catholic hospitals operate in a public policy environment that regularly challenges the concept of conscience rights protections by attempting to coerce them and other health care providers to perform, be complicit in or pay for abortions.''

So I urge Members to support this legislation. It is backed by 228 cosponsors.

Ms. SLAUGHTER. Madam Speaker, I yield myself 15 seconds to put in the real Guttmacher statement, what they have said. ''The claim that restoration of Federal Medicaid coverage would result in a significant increase in the incidence of abortion nationwide is not supported by research, and extrapolating from Guttmacher's Medicaid

findings to assert that coverage in the private insurance market is strongly linked to abortion incidence is entirely illegitimate.''

I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentlelady.

Henry Hyde was one of the outstanding Members of the House of Representatives in the history of the House of Representatives. He believed intently in a pro-life position, and the remarks of colleagues who support this legislation are ones that I think Mr. Hyde would approve of. But he was also a master legislator, and he understood that other people have a different point of view than he has, and on the matter of abortion, something that is a matter of faith for many people, a matter of conscience for everyone, there are different points of view.

The excellent job that Mr. Hyde did was to take direct taxpayer funding out of the equation. If there were going to be abortions, they were not going to be paid for by taxpayer dollars. This amendment takes it a radical step further. What it does is it says, if there is any tax credit that is part of a health care plan, then this legislation would prohibit a small business from offering that health care plan to its workers.

Now, just think about the enormous burden that is being placed on hundreds, if not thousands, of small businesses in Vermont, on millions of small businesses in this country. Every one of those businesses, where it offers a comprehensive health care plan to their employees that may include abortion services, suddenly has to unravel those plans and deny that coverage to its workers. So what we have is an action by the sponsors of this legislation that would impose its will far beyond what Mr. Hyde ever did or sought to do on every small business in this country.

□ 1300

By the way, there's another issue here, a precedent. If now we're starting to interfere with the use of tax credits, does this mean the next target is what kind of home you buy if you're going to get the use of a taxpayer deduction?

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

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. WELCH. I thank the gentlelady.

Does it mean that if you're doing research on biotechnology, that the tax credit is going to be restricted and dictated by a majority, whoever it happens to be, of this House of Representatives? The basic question for this Congress is whether we're going to allow the status quo to exist through the Hyde amendment where people can exercise their conscience on this important question, or are we going to have a dictation from this Congress that absolutely and completely prohibits people from making that choice themselves.

The mutual respect that Mr. Hyde understood we needed in this country is really going to be frayed with this legislation. So I would urge Members to vote against this legislation. That's out of respect for the fact that there are sharply different views on this extraordinarily important question.

Mr. NUGENT. Madam Speaker, I yield 2¼ minutes to my colleague from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Florida for yielding me time to speak on the importance of protecting defenseless unborn children and ensuring taxpayer money is not used to pay for elective abortions.

I do want to explain to my glib friend from Vermont, who is so good on the floor, that the Hyde amendment itself covers plans as well as direct funding. So I think the people need to know there's a slight correction to the comments that he made.

According to a CNN poll last month, Madam Speaker, more than 60 percent of Americans oppose taxpayer-funding for abortion. Today, this House has the historic opportunity to end the patchwork of policies that are intended to prohibit taxpayer funding for abortion by passing a government-wide prohibition on funding elective abortions. H.R. 3, the No Taxpayer Funding for Abortion Act, codifies many longstanding pro-life protections that have been passed under both Republican and Democrat-controlled Congresses. In fact, Minority Leader NANCY PELOSI has voted 14 times to prohibit taxpayer funding for abortion in the District of Columbia. President Obama voted against taxpayer funding of abortion in the District of Columbia twice when he was in the Senate; and since being elected President, he's signed appropriations legislation into law that prohibits this funding.

As you can see, Madam Speaker, opposition to taxpayer funding for abortion is bipartisan, bicameral, and supported by the American people. There's nothing more important than protecting voiceless unborn children and their families from the travesty of abortion. Therefore, I urge my colleagues to vote for life by voting in favor of this rule and the underlying bill and say that my colleague from Vermont said we can differ on opinions, but this is the right position to take.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Hawaii (Ms. HIRONO).

Ms. HIRONO. I thank the gentlewoman from New York.

Madam Speaker, I rise today in opposition to the rule and in opposition to H.R. 3, a bill that threatens women's health and access to care. Over the past 2 weeks, as I traveled in my district, the top-of-mind issues were the economy and jobs. Now that we're back in D.C., instead of working together on bills that move our economy forward, we're asked to debate divisive social policy. Clearly, the priorities of the Republican majority do not match those of the people of Hawaii.

There are those who will say that H.R. 3 maintains the status quo. Not so. H.R. 3 is an extreme, radical measure that could deny tax credits for small businesses, take us back to the days when a woman had to prove that she was a victim of rape, and violate women's medical privacy rights. Do you think small business owners have the time and needed expertise to determine if their insurance plans cover abortions? Do you want to take our country back to the days when a woman had to prove that she resisted her rapist? Do you want to share your medical history with an IRS audit?

I was a member of the State legislature in the 1980s in Hawaii when I worked with women and victim advocacy groups to change our sexual assault laws so that the prosecution focused on the perpetrator of the rape rather than on the actions of the victim. Our court system in those days, because of our law, victimized the victims of rape. Hawaii changed its laws. This bill takes us back to those days when a woman had to show that she resisted.

Hawaii was also the first State in the Nation to decriminalize abortion and give a woman the right to choose. The person who carried this bill in the legislature was Senator Vince Yano, a devout Catholic. Governor Jack Burns, a devout Catholic—he went to mass every single day—he allowed this bill to become law in Hawaii, in spite of the fact that he had a lot of pressure as a Catholic to veto this bill. He could have done so. He respected the right of a woman to choose.

I urge my colleagues to join me in voting against this rule and this bill.

Mr. NUGENT. Madam Speaker, I yield 1 minute to my colleague from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I thank my colleague for this opportunity.

You're seeing the old argument of Washington versus the new realities of America. We have two distinct issues here. Those two issues are: one, life; two, the taxpayer. I think those things are becoming very stark. Here we are, a situation where a President has signed an executive order to do many of the exact same things—to not allow Federal-funded abortions to be happening. Yet somehow we shouldn't be putting this into law. It seems common sense that we would do that. We need to do this to protect the taxpayer. If you look at polling, you look at the number of things that are going on, we cannot allow Federal funds to be used and our taxpayers to be used for this procedure.

Now let's move on to life. We know the sanctity of life that is there from that very conception until natural death. We need to protect that. We need to protect that atmosphere as a government. That is not our job to promote that horrendous operation. It's our job to protect those children.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the

gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. I thank you, Madam Chairman.

Madam Speaker, I rise in strong opposition to this legislation. Gas prices are approaching $5 a gallon, millions of Americans are looking for work, and we're busy turning the Tax Code into a moral club. Forget that abortion is a legal procedure. Forget the Republicans want limited government when it comes to protecting you in the workplace but Big Government when it comes to regulating your bedroom. This isn't about anyone's position on abortion. Roe v. Wade was decided 38 years ago. It's the law of the land. This is about whether we should use the Tax Code as a moral club to impose the religious beliefs of a few Members of Congress on the entire Nation.

What's next? Some find it immoral to drink alcohol or gamble. Should we outlaw business deductions for meals that include wine? How about business conventions in Las Vegas? Many people are morally opposed to profanity. Maybe we should make it against the law to swear when filling out your taxes.

Now, how about more serious issues? Many of my constituents think the war in Iraq is immoral. The same goes for subsidies for Big Oil and tax breaks that reward corporations for shipping our jobs overseas.

Singling out abortion is wrong. Even worse, it's a distraction from the serious challenges our Nation faces. If Republicans want to overturn Roe v. Wade, they should draft a bill and give it their best shot; but don't use the Tax Code as a bludgeon because you don't have the votes.

Mr. NUGENT. Madam Speaker, I yield 1 minute to my colleague from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Speaker, I rise today in strong support of H.R. 3, the No Taxpayer Funding for Abortion Act.

A majority of Americans have made it clear that they oppose the government using their tax dollars to pay for abortions, and it's time that we permanently extend the Hyde amendment, which bans this irresponsible practice. Particularly in our current budget situation, the Federal Government should not be subsidizing abortions.

□ 1310

Additionally, this bill permanently extends important legal protections for doctors and other health care providers who refuse to perform abortions to which they are morally opposed. Every doctor and health care provider deserves the right to act according to his or her own conscience, and this important legislation will ensure that he or she is not punished for doing so.

Madam Speaker, the American people support this legislation. They do not want their tax dollars used to pay for abortions. Let's stand together today and do the fiscally and morally responsible thing—vote to pass H.R. 3.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Madam Speaker, if a proposal were brought to the House floor that said the following, ''If an American makes a charitable contribution and takes a deduction on his income tax return, that we're going to disallow the charitable deduction if the group that's receiving the money promotes gun ownership, gun rights or gun education,'' I suspect it would not get one vote on the Republican side of the aisle, and it shouldn't get any votes on the Democratic side of the aisle because it's wrong and it's probably unconstitutional.

That is exactly what the underlying bill does here. It says that an American exercising his or her constitutional right, in this case her constitutional right, with their own money, will suffer a negative tax consequence because the majority wants them to.

Understand this. If an American woman, with her own money, chooses to exercise her constitutional right, she will be suffering an increase in taxes as a result of making this decision. I scarcely say that anyone on the majority side would agree that if we picked one of their favorite social issues and said we're going to raise taxes on people who engage in that social issue, much less than a constitutional right, that they would agree with this.

This is not a debate about abortion. This is a debate about privacy. It's a debate about individual liberty and the right of people to do what they choose with their own money, particularly when they're enforcing one of their own constitutional rights.

I would also say for the record, it's my understanding that if this bill is carried out, a person who is a minor who is a victim of statutory rape may not be able to avail herself of her constitutional rights with her family's own money.

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

Ms. SLAUGHTER. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. I know very well, Madam Speaker, that people feel passionately about the right to life and the right to choose, and this is the forum in which that debate ought to take place. But using the Internal Revenue Code to either punish or reward certain social conduct, particularly conduct that is in the exercise of a constitutional right, is wrong, and if anyone on the majority side would like to tell me that they would vote for that NRA provision, I welcome that. I wouldn't, because it's an impermissible, unconstitutional burden on the constitutional rights of Americans. So is this.

Mr. NUGENT. Madam Speaker, I yield 3 minutes to my colleague from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. I thank the gentleman for yielding.

Madam Speaker, I rise today in support of H.R. 3, the No Taxpayer Funding for Abortion Act. I am a proud cosponsor of this legislation.

As an obstetrician and gynecologist, I have delivered nearly 5,000 babies, and I strongly support the sanctity of life. I believe life is a precious gift from God that begins at conception. I have seen human development occur from the earliest stages of a small fetus all the way through birth. The magic of the heartbeat at 26 to 28 days post-conception is indescribable in my field like this, which strengthens my conviction of the right to life.

Since 1976 until the passage of President Obama's health care reform law, Congress prevented taxpayer funding for abortions. Unless abortion is specifically excluded from Federal insurance plans, the courts and administrative agencies have historically mandated it. That's why the language in H.R. 3 is so important and necessary. It explicitly states that taxpayer dollars should not be used to fund abortion.

Abortion is not a business our government should be involved in. Because something is legal doesn't mean you should do it. Regardless of how people felt about the President's health care law, people shared the belief that the President's Executive order on this subject was simply insufficient. I agree with this concern and believe that further efforts need to be made to ensure that no taxpayer funds are ever used for this purpose.

Under H.R. 3, Federal funds are statutorily prohibited from being involved in any type of health care coverage or benefits that include abortion. This means future Presidents, or even our President, can't go back and insert abortion coverage on a whim.

As legislators, we carry the responsibility and privilege to protect those who do not have a voice. We must make our laws consistent with our science and restore full legal protections to all who are waiting to be born. This starts with legislation like H.R. 3.

One of government's core functions is to protect the most innocent among us, and I will do my best to ensure that government fulfills its duty. I will always fight for the right to life because it is my belief that we are unique creations of God who knows us and loves us even before we are conceived.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentlewoman for yielding and for her strong work on this bill.

Madam Speaker, this bill is unprecedented in a number of ways. It is unprecedented in that it uniquely affects my district, and yet I was not allowed to testify at the hearing of the Judiciary Committee where it was considered. It is unprecedented in its attack on a woman's right to choose, going

well beyond the Hyde amendment. And it is unprecedented in seeking to federalize the local funds of the District of Columbia.

Section 309 of this bill would make permanent the ban in the recent 2011 spending bill that keeps the District from spending its own local funds on abortions for poor women. That's bad enough, but the party that came to power even to devolve Federal power back to the States is engaged in the reverse process in this bill, in federalizing what has always been understood in our Constitution to be local power and, worse, local money and deciding how it should be spent.

It is a dictatorship over local funds. It goes against every principle that the majority claims to support when it cites the Constitution. It goes against the accepted practice, a practice you can do nothing about in the States, where 17 States have, of course, spent their own local funds on abortions for poor women for decades, recognizing that this could not be done with Federal money.

The District of Columbia does not ask for 1 cent of Federal money. In the same way, the District of Columbia demands that its local funds be kept local for us as for every other jurisdiction of this body.

CONGRESSIONAL BLACK CAUCUS,
Washington, DC, May 3, 2011.

DEAR SENATORS BOXER, CANTWELL, FEINSTEIN, GILLIBRAND, HAGAN, KLOBUCHAR, LANDRIEU, MCCASKILL, MIKULSKI, MURRAY, SHAHEEN, AND STABENOW: We, the women of the Congressional Black Caucus, write for two reasons. First, we want to express our gratitude to you, the Democratic women of the Senate, for successfully blocking the Planned Parenthood rider from the final fiscal year 2011 continuing resolution (CR). The rider was an attack on the health and lives of all American women, especially women of modest means. The public conditioning of your support for the CR on the exclusion of the rider made the critical difference. We agreed with your strong position, which showed the country that you would not abandon women in a tough fight. Although our party is in the minority in the House, we are ready to join with you to defeat future Republican attacks on women's health.

However, we are deeply disappointed that low-income women in the District of Columbia were sacrificed during the CR negotiations. The Administration and Senate Democratic Leadership agreed to re-impose a rider prohibiting the District government from spending its own local taxpayer-raised funds on abortions for low-income women. The poor women in the District have already begun to feel the terrible effects of the rider. Abortions are time-sensitive, and scores of women scheduled for District-funded abortions at a Planned Parenthood clinic immediately had their appointments canceled. This paradox cannot be overlooked. Nonprofits in the District, including the DC Abortion Fund which helps D.C. women pay for abortions, are desperately trying to raise funds to mitigate the harm done by the rider.

Not only did this concession by Democrats violate our party's long-standing support for reproductive choice and for the District's right to self-government, it was unnecessary. As House Minority Leader Nancy Pelosi has noted, fifty-nine House Republicans voted against the CR. This means 36 Democratic votes were needed to reach 218 votes for passage. According to media reports, most House Republicans who voted against the CR did so because it did not cut enough spending, not because of the absence of the Planned Parenthood or of any other rider. In fact, the CR was remarkably clean, with only four riders. Only two were controversial, D.C. abortion and a new private school voucher program in the District. It is no wonder that the District felt abandoned.

The D.C. abortion rider, as well as every other anti-home-rule rider, was removed during the last four years of Democratic congressional control. This was a historic first that could not have been achieved without your help. As the fiscal year 2012 appropriations process begins, we believe it would be invaluable if you stated, early and publicly, your opposition to the inclusion of the D.C. abortion rider in the fiscal year 2012 appropriations bill. This is perhaps the only way to keep it out of the bill after Democrats agreed to it in the CR. Such a statement would not only help in fiscal year 2012, it would discourage House Republicans from escalating their attacks on women in the District, which are already underway.

An odious anti-choice bill, H.R. 3 (the No Taxpayer Funding for Abortion Act), is due on the House floor this week. It would make the D.C. abortion rider permanent. Although we know you will not allow H.R. 3 to pass in the Senate, House Republicans may feel emboldened to bring up a permanent D.C. abortion ban as a stand-alone bill or to attach it to another bill. The consideration of H.R. 3 on the House floor could provide you an occasion to speak out against it and to note the D.C. provision as a special reason for your opposition. You could also use this opportunity to indicate your opposition to a D.C. abortion rider in the fiscal year 2012 appropriations bill.

District women have no vote in Congress and no representation in the Senate. The city's low-income women need the support of women in Congress who not only have a vote, but who have also shown they will stand with women everywhere.

Sincerely,

Barbara Lee, Karen Bass, Donna Christensen, Eddie Bernice Johnson, Corrine Brown, Yvette Clarke, Donna Edwards, Sheila Jackson Lee, Laura Richardson, Terri Sewell, Marcia Fudge, Gwen Moore, Maxine Waters, Frederica Wilson, Members of Congress.

DISTRICT OF COLUMBIA,
May 4, 2011.

DEAR MEMBERS OF CONGRESS: I write to express my outrage with legislation that is pending before the House of Representatives, H.R. 3, which contains language extremely offensive to the District of Columbia. I ask you to withdraw the bill from consideration immediately.

H.R. 3 purports to limit the use of taxpayer funds for a constitutionally protected activity, but in truth, it goes much further in its effects on the District of Columbia. The language used in the bill converts the District into a Federal property for the first time in its history. This unprecedented affront to the sovereignty of a local and state government would never be contemplated anywhere else in the United States. Yet, the District is particularly singled out in the bill for such treatment.

This effort to alter the entire status of the District Government is truly beyond the pale. The District of Columbia is comprised of 600,000 people who deserve the same rights as other citizens and residents of their nation. American history is defined as resistance to oppression while promoting freedom and democracy. Given the principles upon which this nation was founded, and America contrives to promote steadfastly world-wide, how can you justify the disparate and disrespectful treatment to which District residents are subjected?

The Constitution guarantees every citizen of age a direct line of communication to the highest levels of our representative government so that their interests are always heard and protected. Our interests are not being protected, they are being stripped from us. As an elected member of the national government, we implore you not to further encroach upon the rights of the people who live in our city.

I cannot urge you strongly enough to remove the District from this bill as we are not a component of the federal government.

Regards,

VINCENT C. GRAY,
Mayor.

COUNCIL OF THE
DISTRICT OF COLUMBIA,
Washington, DC, May 3, 2011.

Minority Leader NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR MINORITY LEADER PELOSI: We write in strong opposition to H.R. 3, the misleadingly named ''No Taxpayer Funding for Abortion Act,'' because it has nothing to do with federal funds. The bill would prohibit the District of Columbia from using its own, locally-raised funds to support abortion services for low-income women.

The bill would overturn the rule of local government. Republicans and Democrats nationwide believe that local governments should decide what is best with respect to local issues. This belief is bedrock American principle that extends from the original Founding Fathers to today's Tea Party activists. It is also the principle underlying your own Home Rule Act for the District—the purpose of which is ''to relieve Congress of the burden of legislating upon essentially local District matters.''

H.R. 3 would make the District of Columbia the only jurisdiction in the country that is prohibited from choosing whether or not to use its own locally-raised funds to support low-income abortion services. It would be a Pyrrhic victory for abortion opponents, as it does nothing to affect Congress' inability to overrule the 17 states that currently fund abortion services for low-income residents.

The 600,000 residents of the District have neither a voice nor a vote in the Congress to defend against this renewed assault that is H.R. 3. We urge members of Congress to respect the District and the fundamental American principle of local rule. We urge you to be helpful, not harmful, to our efforts to improve public health and safety. We urge you to vote against H.R. 3.

Sincerely,

Kwame R. Brown, Chairman; Phil Mendelson, Councilmember At-Large; Sekou Biddle, Councilmember At-Large; David Catania, Councilmember At-Large; Michael A. Brown, Councilmember At-Large; Jim Graham, Councilmember Ward 1; Jack Evans, Councilmember Ward 2; Mary M. Cheh, Councilmember Ward 3; Muriel Bowser, Councilmember Ward 4; Harry Thomas, Jr., Councilmember Ward 5; Tommy Wells, Councilmember Ward 6; Yvette Alexander, Councilmember Ward 7; Marion Barry, Councilmember Ward 8.

Mr. NUGENT. Madam Speaker, I yield 2 minutes to my colleague from New Jersey (Mr. GARRETT).

Mr. GARRETT. I thank the gentleman.

Before I begin my remarks, I just have to say that I am really shocked by the statement from my friend and colleague from the State of New Jersey as well when he basically makes the bold statement that basically by taking away a subsidy of sorts of what we're doing here, and that translates to a tax increase on an individual. Nothing, of course, is done in this legislation to that effect.

I come to the floor today and rise in full support of H.R. 3, the No Taxpayer Funding for Abortion Act. I commend everyone who has worked on this, especially my other colleague from New Jersey (Mr. SMITH) not only for sponsoring the bill before us today but for being a leader on this important issue. You see, by passing this bill, what we really do is establish a permanent government-wide prohibition on subsidies for abortion and abortion coverage, while giving the doctors opposed to abortion certain protections to safeguard them from performing abortions against their will.

□ 1320

This is a commonsense bill. It is consistent with the opinions of the majority of Americans who have voiced opposition to Federal funding for abortion.

See, I believe that the time has come to do away with the patchwork ban currently in place with a law that extends the Hyde amendment to all aspects of spending authority here in Congress.

Now, I know my colleagues on the other side of the aisle will tell you that cutting off funding to abortion services will only cause abortion rates to do what? Rise, they say, but just the opposite. In fact, published research by the pro-abortion Alan Guttmacher Institute shows what? That we would actually see a 25 percent decrease in abortions.

Furthermore, contrary to what the opposition would have you believe, this legislation will not affect funding for family planning services. It will only prevent funding and subsidies for abortion and abortion coverage.

So it's important to point out that taxpayers across the country do not believe that they should be funding abortion coverage. Well, just last week in Indiana, Governor Daniels signed probably the most comprehensive taxpayer protection law.

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

Mr. NUGENT. I yield the gentleman an additional 30 seconds.

Mr. GARRETT. As I was saying, just last week in Indiana, the Governor signed probably the most comprehensive taxpayer protection law to prevent taxpayers from doing what? Subsidizing abortion. I was reading the article in the L.A. Times. They said this is probably going to go in other States. Why is that? Because it's the will of the people.

Let me tell you and conclude on this. I'm the father of two beautiful girls. When I look at them, I see the promise of tomorrow. My life is, without question, better for the love I share with them. America is better for each child and life that is here.

So I will come to this floor and continue to fight to protect the most fundamental right of the unborn in each of us: the right to life.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1¾ minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentlelady for yielding and for her leadership not only on this but so many important issues.

I want to make it very clear, in response to the gentleman's statement, there are no taxpayer-funded abortions now. There weren't any yesterday, and there won't be any in the future. H.R. 3 goes far beyond current law. It is stunning in its scope, appalling in its indifference, and outrageous in its arrogance.

The right to choose is absolutely meaningless without access to choice, and H.R. 3 creates obstacles for women to access safe, legal, and constitutionally protected health care. This makes access to abortion coverage incredibly difficult, and I would say that the bill is not only an attack on women's rights, but it is also an attack on the rights of the private insurance companies and small businesses.

It tells private insurance companies how to run their businesses, raises compliance costs for small business, and even tells the local government how they may spend their money. The bill manages to offend nearly every high-sounding principle the other side says they stand for.

So if you truly believe in the freedom of the individual and the wisdom of free market, vote ''no'' on this absolutely appalling piece of work. It is anti-woman, anti-choice, anti-respect, and anti-business. It is a totally flawed bill, goes far further than any existing law, and it is the deepest and strongest attack on a woman's right to choose that has come before this body in my lifetime.

And the Republican majority says its priority is jobs and job creation, but their actions speak louder than words. They want to come into the bedroom. They want to come between a woman and her doctor. It is an appalling bill. Please vote ''no.''

Mr. NUGENT. Madam Speaker, I yield 1 minute to my colleague from Tennessee (Mr. FINCHER).

Mr. FINCHER. I rise in support of the rule.

Over 20 years ago, in his 1985 book, ''For Every Idle Silence,'' Congressman Hyde wrote ''It is becoming culturally fashionable to protect the defenseless unborn.'' Those words hold even truer today as polling continually shows the majority of Americans oppose the vast majority of abortions and more Americans consider themselves pro-life more than ever.

Polls also show that a large majority of Americans oppose taxpayer subsidies for abortion and abortion coverage. An April 2011 CNN poll found that 61 percent of respondents opposed using public funds for abortion. A November 2009 Washington Post poll showed 61 percent of respondents opposed government subsidies for health insurance that includes abortion. A September 2009 International Communications Research poll showed that 67 percent of respondents opposed measure that would require people to pay for abortion coverage with their Federal taxes.

Our constituents and our conscience demand of us that we wait no longer. We must permanently end taxpayer funding of abortion and protect the lives of unborn children.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. NUGENT. I yield 2 minutes to my colleague from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding, and I appreciate the privilege to come here to the floor and stand up for the rights of the innocent unborn in this country.

At the root of this issue is the question of what is human life and is it sacred in all of its forms and at what instant does it begin, and I think all of us with a conscience will recognize that human life needs to be sacred in all of its forms and it begins at the instant of conception, and once we come to that conclusion we stand up to defend every voiceless innocent miracle that's on its way into breathing free air into this country.

And to think that we are compelling the American taxpayer to fund abortions across this country and in foreign lands on occasion, because we can't quite hear that voice—Henry Hyde heard that voice, and we're standing up with and for Henry Hyde. I so much appreciate him and CHRIS SMITH, who is the principal author of the underlying legislation.

I rise in support of this rule, Madam Speaker, and I rise in support of the innocent unborn. The conscience of America must be heard in this debate today, on this rule and on the underlying bill. The voice of the voiceless need to be heard, that of those people who were not heard in the life we will hear from in the next, as Henry Hyde so eloquently said. But an America that is a pro-life America, with over 60 percent that oppose Federal funding, taxpayer-funded abortions, this is a consistent position that reflects the will of the American people. We must draw this line not just with Planned Parenthood but every abortion provider in the country. If they can't make it in the market on their own, we have no business subsidizing them without regard to the impact on our overall economy.

Madam Speaker, I'm pleased and proud to be here today to take this stand, and I'm pleased and proud of the

entire Pro-Life Caucus that's here in the United States Congress, both Democrats and Republicans alike, who have done so much over the years to bring us to this point of consensus. And this is a consensus that will be reflected on this vote on the rule and on the vote on the underlying bill, a consensus of the American people with their resounding support for this rule and the underlying bill.

Ms. SLAUGHTER. Madam Speaker, I yield myself the balance of my time to close.

I first want to remind people what we've said about statutory rape. When this bill was first introduced, it modified the long-standing rape exception to the Hyde amendment by adding the term ''forcible'' before the word ''rape.'' In other words, the victim of rape had to show wounds and other matters that she really was forcibly raped before she could be covered, but they changed that because there was such an outcry. But they have found another way to get to exclude other victims of rape. Just saying those words scandalizes me.

The House Judiciary Committee report, which will be used by the courts to interpret the intent of this bill, says the bill will not allow the Federal Government to subsidize abortions in cases of statutory rape, claiming that this reflects existing law, and of course it does not. Statutory rape is one of the most serious of crimes because the young woman involved has not given consent and, indeed, is not allowed to because of her age. How dare we do that? Have they not suffered enough?

The Hyde amendment does not distinguish between statutory rape or any other kind of rape. In fact, a 1978 regulation implementing the Hyde amendment makes clear that it includes victims of statutory rape in the funding exemption.

Now, if most people in the United States don't want their tax money used for abortions, they can relax. We've not been using tax money for 38 years. We're not going to change that with this bill. That's not the intent of this bill at all. It's simply the title, which is meaningless.

□ 1330

What it does do is it increases taxes on middle class and lower-income women and their families, but it singles out small business employers and penalizes them if they provide comprehensive insurance coverage that includes abortion. Nearly two-thirds of all voters polled—this is two-thirds—oppose this draconian change in the tax system for small business and individuals with plans that cover abortion. In fact, even most Republicans, tea party supporters, anti-abortion workers, and evangelical Christians oppose the tax increase.

As the head of the South Carolina Small Business Chamber of Commerce wrote in a Hill column Monday: ''H.R. 3 is simply a slap in the face to the millions of small businesses now offering health insurance to employees and eligible for the new tax credits'' that come from the new health care bill.

[From The Hill's Congress Blog, May 2, 2011]

H.R. 3 A DELIBERATE ATTACK ON SMALL BUSINESS

(By Frank Knapp, Jr.)

After decades of escalading group health insurance premiums and demands for Congressional action for relief, a little over one year ago many of our small businesses finally were given the opportunity for federal health insurance tax credits.

Now H.R. 3, up for a vote this week, threatens to erase this benefit for small businesses because it would eliminate the health insurance tax credits under the Affordable Care Act for any existing or new plans that provide coverage for abortion.

The problems H.R. 3 would cause for small businesses that are trying to do the right thing and offer health insurance have nothing to do with the ideological intent of this bill. Even if a small business owner agrees with the intent, the cost of passage of H.R. 3 in terms of time, money and continuity of policy is very significant.

Small business owners do not have the expertise to closely examine healthcare plans to determine if abortion coverage is included. Such services are not labeled ''abortion'' but rather fall into numerous clauses in a health care policy from prescription drugs to outpatient surgery to maternity care that includes unforeseen complications. Small business owners are no more prepared to completely understand the fine print of their health insurance policies than members of Congress.

Requiring a small business owner to try to understand the intricacies of their health insurance policies would require considerable time on their own or with an insurance agent (who also probably has no idea how to interpret the verbiage in the policy as it relates to abortion). Essentially H.R. 3 will cause a small employer to divert time from running the business. And if time is money, as we are all told, then H.R. 3 will be an increase in cost for small businesses offering health insurance.

Small businesses that finally determine that their health insurance policy does in fact cover even one abortion service will be financially punished in one of two ways. Either they can keep their present policy and lose thousands of dollars in hard won tax credits or they will give up their current health plan and most likely have to pay higher premiums for a new plan. The latter will result from both re-underwriting by a new carrier and adding provisions now required in any new policy. This is especially true since the health insurance exchanges will not be in place until 2014 to increase competition for this business.

H.R. 3 is simply a slap in the face to the millions of small businesses now offering health insurance to employees and eligible for the new tax credits. Targeting small businesses for such punitive action, while ignoring big businesses that also receive tax benefits when offering health insurance, demonstrates a callous disregard for the ''backbone of our economy'', as members of Congress love to proclaim.

I yield back the balance of my time.

Mr. NUGENT. Madam Speaker, I need to correct one thing. The word ''forcible'' is nowhere in the statute or the legislation as we have it on the floor.

Madam Speaker, my colleagues on the other side of the aisle would have you believe that H.R. 3 is about taking away a woman's right to choose. That is simply not true. H.R. 3 is about ensuring that taxpayers aren't on the hook for paying for that choice. My Democratic colleagues would have you believe that we want to raise your taxes and allow the IRS to audit women. Again, that is simply not true. The bill is about one thing: keeping our tax dollars from being spent for elective abortions on demand.

The United States is currently borrowing 42 cents of every dollar we spend. We are in debt and spending money we don't have. We need to focus on bringing our government back to its core mission. You can't tell me that paying for elective abortions is part of our core mission.

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

The previous question was ordered.

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

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

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 177, not voting 12, as follows:

[Roll No. 286]

YEAS—243

Adams	Dent	Herrera Beutler
Aderholt	DesJarlais	Holden
Alexander	Dold	Huelskamp
Altmire	Donnelly (IN)	Huizenga (MI)
Amash	Dreier	Hultgren
Austria	Duffy	Hunter
Bachmann	Duncan (SC)	Hurt
Bachus	Duncan (TN)	Issa
Barletta	Ellmers	Jenkins
Bartlett	Farenthold	Johnson (IL)
Barton (TX)	Fincher	Johnson (OH)
Bass (NH)	Fitzpatrick	Jones
Benishek	Flake	Jordan
Berg	Fleischmann	Kelly
Biggert	Fleming	Kildee
Bishop (UT)	Flores	King (IA)
Black	Forbes	King (NY)
Blackburn	Fortenberry	Kingston
Bonner	Foxx	Kinzinger (IL)
Bono Mack	Franks (AZ)	Kline
Boren	Frelinghuysen	Labrador
Boustany	Gallegly	Lamborn
Brady (TX)	Gardner	Lance
Brooks	Garrett	Landry
Broun (GA)	Gerlach	Lankford
Buchanan	Gibbs	Latham
Bucshon	Gibson	LaTourette
Buerkle	Gingrey (GA)	Latta
Burgess	Gohmert	Lewis (CA)
Burton (IN)	Goodlatte	Lipinski
Calvert	Gosar	LoBiondo
Camp	Gowdy	Long
Campbell	Granger	Lucas
Canseco	Graves (GA)	Luetkemeyer
Cantor	Graves (MO)	Lungren, Daniel E.
Capito	Griffin (AR)	Mack
Carter	Griffith (VA)	Manzullo
Cassidy	Grimm	Marchant
Chabot	Guinta	Marino
Chaffetz	Guthrie	McCarthy (CA)
Coble	Hall	McCaul
Coffman (CO)	Hanna	McClintock
Cole	Harper	McCotter
Conaway	Harris	McHenry
Costello	Hartzler	McIntyre
Cravaack	Hastings (WA)	McKeon
Crawford	Hayworth	McKinley
Crenshaw	Heck	McMorris Rodgers
Culberson	Heller	Meehan
Davis (KY)	Hensarling	
Denham	Herger	

Mica	Ribble	Smith (NE)
Miller (FL)	Rigell	Smith (NJ)
Miller (MI)	Rivera	Smith (TX)
Miller, Gary	Roby	Southerland
Mulvaney	Roe (TN)	Stearns
Murphy (PA)	Rogers (AL)	Stivers
Myrick	Rogers (KY)	Stutzman
Neugebauer	Rogers (MI)	Sullivan
Noem	Rohrabacher	Terry
Nugent	Rokita	Thornberry
Nunes	Rooney	Tiberi
Olson	Ros-Lehtinen	Tipton
Palazzo	Roskam	Turner
Paul	Ross (AR)	Upton
Paulsen	Ross (FL)	Walberg
Pearce	Royce	Walden
Pence	Runyan	Walsh (IL)
Peterson	Ryan (WI)	Webster
Petri	Scalise	West
Pitts	Schilling	Westmoreland
Platts	Schmidt	Whitfield
Poe (TX)	Schock	Wilson (SC)
Pompeo	Schweikert	Wittman
Posey	Scott (SC)	Wolf
Price (GA)	Scott, Austin	Womack
Quayle	Sensenbrenner	Woodall
Rahall	Sessions	Yoder
Reed	Shimkus	Young (AK)
Rehberg	Shuler	Young (FL)
Reichert	Shuster	Young (IN)
Renacci	Simpson	

NAYS—177

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

NOT VOTING—12

Akin	Diaz-Balart	Lummis
Bilbray	Emerson	Nunnelee
Bilirakis	Giffords	Pingree (ME)
Costa	Johnson, Sam	Thompson (PA)

□ 1356

Ms. BROWN of Florida changed her vote from ''yea'' to ''nay.''

Messrs. COFFMAN of Colorado, GARY G. MILLER of California, and HELLER changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SMITH of Texas. Madam Speaker, pursuant to House Resolution 237, I call up the bill (H.R. 3) to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. MYRICK). Pursuant to House Resolution 237, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill, the amendment in the nature of a substitute printed in House Report 112–71 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 3

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

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''No Taxpayer Funding for Abortion Act''.

(b) TABLE OF CONTENTS.—the table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROHIBITING FEDERALLY-FUNDED ABORTIONS AND PROVIDING FOR CONSCIENCE PROTECTIONS

Sec. 101. Prohibiting taxpayer funded abortions and providing for conscience protections.

Sec. 102. Amendment to table of chapters.

TITLE II—ELIMINATION OF CERTAIN TAX BENEFITS RELATING TO ABORTION

Sec. 201. Deduction for medical expenses not allowed for abortions.

Sec. 202. Disallowance of refundable credit for coverage under qualified health plan which provides coverage for abortion.

Sec. 203. Disallowance of small employer health insurance expense credit for plan which includes coverage for abortion.

Sec. 204. Distributions for abortion expenses from certain accounts and arrangements included in gross income.

TITLE I—PROHIBITING FEDERALLY-FUNDED ABORTIONS AND PROVIDING FOR CONSCIENCE PROTECTIONS

SEC. 101. PROHIBITING TAXPAYER FUNDED ABORTIONS AND PROVIDING FOR CONSCIENCE PROTECTIONS.

Title 1, United States Code is amended by adding at the end the following new chapter:

''CHAPTER 4—PROHIBITING TAXPAYER FUNDED ABORTIONS AND PROVIDING FOR CONSCIENCE PROTECTIONS

''Sec.

''301. Prohibition on funding for abortions.

''302. Prohibition on funding for health benefits plans that cover abortion.

''303. Limitation on Federal facilities and employees.

''304. Construction relating to separate coverage.

''305. Construction relating to the use of non-Federal funds for health coverage.

''306. Non-preemption of other Federal laws.

''307. Construction relating to complications arising from abortion.

''308. Treatment of abortions related to rape, incest, or preserving the life of the mother.

''309. Application to District of Columbia.

''310. No government discrimination against certain health care entities.

''§ 301. Prohibition on funding for abortions

''No funds authorized or appropriated by Federal law, and none of the funds in any trust fund to which funds are authorized or appropriated by Federal law, shall be expended for any abortion.

''§ 302. Prohibition on funding for health benefits plans that cover abortion

''None of the funds authorized or appropriated by Federal law, and none of the funds in any trust fund to which funds are authorized or appropriated by Federal law, shall be expended for health benefits coverage that includes coverage of abortion.

''§ 303. Limitation on Federal facilities and employees

''No health care service furnished—

''(1) by or in a health care facility owned or operated by the Federal Government; or

''(2) by any physician or other individual employed by the Federal Government to provide health care services within the scope of the physician's or individual's employment,

may include abortion.

''§ 304. Construction relating to separate coverage

''Nothing in this chapter shall be construed as prohibiting any individual, entity, or State or locality from purchasing separate abortion coverage or health benefits coverage that includes abortion so long as such coverage is paid for entirely using only funds not authorized or appropriated by Federal law and such coverage shall not be purchased using matching funds required for a federally subsidized program, including a State's or locality's contribution of Medicaid matching funds.

''§ 305. Construction relating to the use of non-Federal funds for health coverage

''Nothing in this chapter shall be construed as restricting the ability of any non-Federal health benefits coverage provider from offering abortion coverage, or the ability of a State or locality to contract separately with such a provider for such coverage, so long as only funds not authorized or appropriated by Federal law are used and such coverage shall not be purchased using matching funds required for a federally subsidized program, including a State's or locality's contribution of Medicaid matching funds.

''§ 306. Non-preemption of other Federal laws

''Nothing in this chapter shall repeal, amend, or have any effect on any other Federal law to the extent such law imposes any limitation on the use of funds for abortion or for health benefits coverage that includes coverage of abortion, beyond the limitations set forth in this chapter.

''§ 307. Construction relating to complications arising from abortion

''Nothing in this chapter shall be construed to apply to the treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of an abortion. This rule of construction shall be applicable without regard to whether the abortion was performed in accord with Federal or State law, and without regard to whether funding for the abortion is permissible under section 308.

''§ 308. Treatment of abortions related to rape, incest, or preserving the life of the mother

''The limitations established in sections 301, 302, and 303 shall not apply to an abortion—

''(1) if the pregnancy is the result of an act of rape or incest; or

''(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself.

''§ 309. Application to District of Columbia

''In this chapter:

''(1) Any reference to funds appropriated by Federal law shall be treated as including any amounts within the budget of the District of Columbia that have been approved by Act of Congress pursuant to section 446 of the District of Columbia Home Rule Act (or any applicable successor Federal law).

''(2) The term 'Federal Government' includes the government of the District of Columbia.

''§ 310. No government discrimination against certain health care entities

''(a) NONDISCRIMINATION.—A Federal agency or program, and any State or local government that receives Federal financial assistance (either directly or indirectly), may not subject any individual or institutional health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

''(b) HEALTH CARE ENTITY DEFINED.—For purposes of this section, the term 'health care entity' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

''(c) REMEDIES.—

''(1) IN GENERAL.—The courts of the United States shall have jurisdiction to prevent and redress actual or threatened violations of this section by issuing any form of legal or equitable relief, including—

''(A) injunctions prohibiting conduct that violates this section; and

''(B) orders preventing the disbursement of all or a portion of Federal financial assistance to a State or local government, or to a specific offending agency or program of a State or local government, until such time as the conduct prohibited by this section has ceased.

''(2) COMMENCEMENT OF ACTION.—An action under this subsection may be instituted by—

''(A) any health care entity that has standing to complain of an actual or threatened violation of this section; or

''(B) the Attorney General of the United States.

''(d) ADMINISTRATION.—The Secretary of Health and Human Services shall designate the Director of the Office for Civil Rights of the Department of Health and Human Services—

''(1) to receive complaints alleging a violation of this section;

''(2) subject to paragraph (3), to pursue the investigation of such complaints in coordination with the Attorney General; and

''(3) in the case of a complaint related to a Federal agency (other than with respect to the Department of Health and Human Services) or program administered through such other agency or any State or local government receiving Federal financial assistance through such other agency, to refer the complaint to the appropriate office of such other agency.''.

SEC. 102. AMENDMENT TO TABLE OF CHAPTERS.

The table of chapters for title 1, United States Code, is amended by adding at the end the following new item:

''4. Prohibiting taxpayer funded abortions and providing for conscience protections ..... 301''.

TITLE II—ELIMINATION OF CERTAIN TAX BENEFITS RELATING TO ABORTION

SEC. 201. DEDUCTION FOR MEDICAL EXPENSES NOT ALLOWED FOR ABORTIONS.

(a) IN GENERAL.—Section 213 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) AMOUNTS PAID FOR ABORTION NOT TAKEN INTO ACCOUNT.—

''(1) IN GENERAL.—An amount paid during the taxable year for an abortion shall not be taken into account under subsection (a).

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) an abortion—

''(i) in the case of a pregnancy that is the result of an act of rape or incest, or

''(ii) in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy, and

''(B) the treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of an abortion.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 202. DISALLOWANCE OF REFUNDABLE CREDIT FOR COVERAGE UNDER QUALIFIED HEALTH PLAN WHICH PROVIDES COVERAGE FOR ABORTION.

(a) IN GENERAL.—Subparagraph (A) of section 36B(c)(3) of the Internal Revenue Code of 1986 is amended by inserting before the period at the end the following: ''or any health plan that includes coverage for abortions (other than any abortion or treatment described in section 213(g)(2))''.

(b) OPTION TO PURCHASE OR OFFER SEPARATE COVERAGE OR PLAN.—Paragraph (3) of section 36B(c) of such Code is amended by adding at the end the following new subparagraph:

''(C) SEPARATE ABORTION COVERAGE OR PLAN ALLOWED.—

''(i) OPTION TO PURCHASE SEPARATE COVERAGE OR PLAN.—Nothing in subparagraph (A) shall be construed as prohibiting any individual from purchasing separate coverage for abortions described in such subparagraph, or a health plan that includes such abortions, so long as no credit is allowed under this section with respect to the premiums for such coverage or plan.

''(ii) OPTION TO OFFER COVERAGE OR PLAN.—Nothing in subparagraph (A) shall restrict any non-Federal health insurance issuer offering a health plan from offering separate coverage for abortions described in such subparagraph, or a plan that includes such abortions, so long as premiums for such separate coverage or plan are not paid for with any amount attributable to the credit allowed under this section (or the amount of any advance payment of the credit under section 1412 of the Patient Protection and Affordable Care Act).''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2013.

SEC. 203. DISALLOWANCE OF SMALL EMPLOYER HEALTH INSURANCE EXPENSE CREDIT FOR PLAN WHICH INCLUDES COVERAGE FOR ABORTION.

(a) IN GENERAL.—Subsection (h) of section 45R of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Any term'' and inserting the following:

''(1) IN GENERAL.—Any term'', and

(2) by adding at the end the following new paragraph:

''(2) EXCLUSION OF HEALTH PLANS INCLUDING COVERAGE FOR ABORTION.—The terms 'qualified health plan' and 'health insurance coverage' shall not include any health plan or benefit that includes coverage for abortions (other than any abortion or treatment described in section 213(g)(2)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 204. DISTRIBUTIONS FOR ABORTION EXPENSES FROM CERTAIN ACCOUNTS AND ARRANGEMENTS INCLUDED IN GROSS INCOME.

(a) FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.—Section 125 of the Internal Revenue Code of 1986 is amended by redesignating subsections (k) and (l) as subsections (l) and (m), respectively, and by inserting after subsection (j) the following new subsection:

''(k) ABORTION REIMBURSEMENT FROM FLEXIBLE SPENDING ARRANGEMENT INCLUDED IN GROSS INCOME.—Notwithstanding section 105(b), gross income shall include any reimbursement for expenses incurred for an abortion (other than any abortion or treatment described in section 213(g)(2)) from a health flexible spending arrangement provided under a cafeteria plan. Such reimbursement shall not fail to be a qualified benefit for purposes of this section merely as a result of such inclusion in gross income.''.

(b) ARCHER MSAS.—Paragraph (1) of section 220(f) of such Code is amended by inserting before the period at the end the following: '', except that any such amount used to pay for an abortion (other than any abortion or treatment described in section 213(g)(2)) shall be included in the gross income of such holder''.

(c) HSAS.—Paragraph (1) of section 223(f) of such Code is amended by inserting before the period at the end the following: '', except that any such amount used to pay for an abortion (other than any abortion or treatment described in section 213(g)(2)) shall be included in the gross income of such beneficiary''.

(d) EFFECTIVE DATES.—

(1) FSA REIMBURSEMENTS.—The amendment made by subsection (a) shall apply to expenses incurred with respect to taxable years beginning after the date of the enactment of this Act.

(2) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by subsection (b) and (c) shall apply to amounts paid with respect to taxable years beginning after the date of the enactment of this Act.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee of the Judiciary, 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, and 10 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Texas (Mr. BRADY), the gentleman from Michigan (Mr. LEVIN), the gentleman from Pennsylvania (Mr. PITTS), and the gentlewoman from Colorado (Ms. DEGETTE) each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 3.

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

There was no objection.

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

First, let me recognize the gentleman from New Jersey (Mr. SMITH), the chief sponsor of H.R. 3, for his persistent leadership over the years on this issue.

□ 1400

Many Members and the American people have strong feelings about the subject of abortion, but one thing is clear: The Federal funding of abortion will lead to more abortions. For example, in 2009, there were only 220 government-financed abortions. The Congressional Budget Office has estimated that the Federal Government would pay for as many as 675,000 abortions each year without the Hyde Amendment and other provisions that prevent the Federal funding of abortion.

The American people do not want federally funded abortions. A Zogby poll found that 77 percent of Americans feel that Federal funds should never pay for abortions or should pay only to save the life of the mother. That is the policy of the Hyde Amendment, which H.R. 3 would enact into law.

H.R. 3 does not ban abortion. It also does not restrict abortions or abortion coverage in health care plans as long as those abortions or plans use only private or State funds. This legislation places no additional legal restrictions on abortions. It simply protects taxpayers from having to fund or to subsidize something they morally oppose. H.R. 3 also is necessary to fix the recent health care law. Absolutely nothing in that law prevents the Federal funding of abortions under the programs it creates.

Neither Congress nor the administration should take the view that they know better than the American people what is good for them. Congress should pass H.R. 3 to codify the longstanding ban on the Federal funding of abortions.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. I yield myself 3 minutes.

Madam Speaker and Members of the House, the problem with this bill is that it reaches far beyond Federal funding in that it subjects women to profound government intrusion, that it restricts women's access to health care, and that it targets small businesses for disparate treatment under the Tax Code. That's why I have more than a dozen organizations, ranging from the American Nurses Association to the YWCA, which are all opposed to this legislation. In addition, this bill will punish women for their private health care decisions, and will subject them to profound government intrusion. So this is not a Democrat versus Republican issue. It is a very important personal decision.

Now, the goal of this bill—and I'd like to suggest it from the outset of this discussion—is to make it impossible to obtain abortion services even when paid for with purely private, non-Federal funds. If there is anyone who has a different view about this, I hope that it gets expressed this afternoon.

Finally, H.R. 3 subjects small businesses to disparate treatment under the tax laws; and as one who supports small business and workers in this country, that alone would turn my support against this measure.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the former chairman of the Judiciary Committee and the current chairman of the Crime Subcommittee of the Judiciary.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Madam Speaker, today we are presented with an opportunity to take a giant step toward protecting the unborn. For almost 35 years, restrictions on the use of Federal funds for abortion have been enacted separately and have been contained in annually renewed congressional temporary funding restrictions, regulations and Executive orders. Such policies have sought to ensure that the American taxpayer does not fund the destruction of innocent human life through abortion. The legislation on the floor today will end the need for numerous separate abortion funding policies, and will finally put into place a permanent ban on any U.S. Government financial support for abortion.

Each year, the abortion industry is allocated millions of tax dollars to advance its agenda. Last year alone, the Planned Parenthood Federation of America collected more than 360 million taxpayer-funded dollars. Because all money is fungible, when taxpayers pay an organization like Planned Parenthood millions of dollars, we cannot help but empower and promote all of that organization's activities. Taxpaying Americans are fed up. They are tired of their hard-earned money being spent on supporting and promoting the abortion industry.

Under H.R. 3, Federal funds will be prohibited for elective abortion coverage through any program in the U.S. Department of Health and Human Services. The legislation prevents the funding for abortion as a method of family planning overseas. It prohibits funding for elective abortion coverage for Federal employees, and it prevents taxpayer-funded abortions in Washington, D.C.

Importantly, H.R. 3 would also protect the conscience-driven health care providers from being forced by the government to participate in abortions. The conscience clause is critically needed in order to protect health care providers who do not want to take part in the abortion business. Without it, people could be forced to participate in something they strongly believe to be morally wrong. Faith-based hospitals could lose funding and be forced to close.

It is time to end taxpayer-funded abortions. I strongly support this important and needed approach to preserve and promote the sanctity of life in our country.

Mr. CONYERS. Madam Speaker, I would like now to yield 3 minutes to the former chairman of the Subcommittee on the Constitution, JERRY NADLER of New York.

Mr. NADLER. I thank the gentleman for yielding.

Madam Speaker, this bill has nothing to do with creating jobs, reducing our deficit or bolstering our economy. It addresses, instead, the completely fictitious claim that legislation is needed to prevent the Federal funding of abortion services. This bill has been falsely advertised as a mere codification of existing law prohibiting the Federal funding of abortion.

I have always opposed the unfair restrictions on Federal funding for a perfectly legal health care procedure, but this bill goes far beyond prohibiting Federal funding. The real purpose and effect of this bill is to eliminate private health care choices for women by imposing significant tax penalties on families and small businesses when they use their own money to pay for health insurance or medical care. This tax penalty is intended to drive insurance companies into dropping abortion services from existing private health care policies that women and families now have and rely upon.

This bill claims that a tax credit or deduction is a form of government funding. It follows that tax-deductible charitable contributions to a church, synagogue or other religious institution are also government funding—a position my Republican colleagues have never taken and that, if taken, would prohibit tax deductions for charitable contributions to religious organizations because they would then be violations of the Establishment Clause of the First Amendment.

You can't have it both ways. Either tax exemptions, deductions or credits for private spending are government funding or they are not. If they are not, this bill makes no sense. If they are, then tax-deductible private contributions to religious institutions are government funding prohibited by the Constitution.

The power to tax is the power to destroy, and here, the taxing power is being used to destroy the right of every American to make private health care decisions free from government interference. This bill is an unprecedented attack on the use of private funds to make private health care choices, and is part of the new House majority's broader and disturbing attack on women's access to health care.

After 2 years of hearing my Republican colleagues complain that government should not meddle in the private insurance market or in private health care choices, I am astounded by this legislation, which is so obviously designed to do just that. It seems that

many Republicans believe in freedom provided that no one uses that freedom in a way that Republicans find objectionable. It is a strange understanding of freedom.

There is also a provision in this bill that might allow any health care provider or institution to refuse to provide an abortion to a woman whose life depends on having that abortion. They could let that woman die right there in the emergency room, and the government would be powerless to do anything. In fact, if the government insisted that the hospital not let the woman die, the bill would allow the hospital to sue the government and, in the case of a State or locality, strip that community of all Federal funding until the jurisdiction relented.

□ 1410

Despite the fact that Republicans made a big show of taking out language limiting rape to forcible rape, the committee report now says that the bill still excludes victims of statutory rape in order to close a ''loophole.'' That is right. You women who have been sexually victimized are really just a loophole. Frankly, disgusting.

A vote for this bill, Madam Speaker, is a vote for a tax increase on women, families, and small businesses. It is a vote for taking away the existing health insurance that women and families now have and pay for with their own funds. It is a vote to elevate the right to refuse care over the obligation to provide lifesaving care. It deserves to be defeated.

Mr. SMITH of Texas. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), who is the chairman of the Constitution Subcommittee of the Judiciary Committee.

Mr. FRANKS of Arizona. I thank the gentleman.

Madam Speaker, it is said that a government is what it spends. This bill is really about whether the role of America's government is to fund a practice that takes the lives of over 1 million unborn American babies every year, despite the fact that the overwhelming majority of Americans, even some of those who consider themselves prochoice, strongly object to their taxpayer dollars being used to pay for abortions.

In 1973, Madam Speaker, the United States Supreme Court said the unborn child was not a person under the Constitution and we have since witnessed the tragic deaths of over 50 million innocent little baby boys and girls who died without the protection we in this Chamber should have given them. Some of this was carried out with taxpayer dollars before the Hyde amendment and other such laws were in place, and taxpayer funding of abortion could recommence in the future under ObamaCare.

So before we vote on this bill, it is important for Members to ask themselves the real question: Does abortion take the life of a child? If it does not, then this is simply a budgetary issue. But if abortion really does kill a little baby, then those of us sitting here in these chambers of freedom are presiding over the greatest human genocide in the history of humanity, and some of it may be financed in the future, Madam Speaker, with taxpayer dollars over which we will have had direct control.

Madam Speaker, our Founding Fathers believed there were certain self-evident truths that were worth holding on to. The greatest of those truths in their minds was the transcendent meaning of this gift of God called human life. Our Constitution says no person shall be deprived of life, liberty or property without due process of law. Thomas Jefferson said that ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

Madam Speaker, protecting the lives and constitutional rights of our fellow Americans is why we are all here, and forcing taxpayers to pay for the indiscriminate killing of helpless little baby Americans is not good government and it should be ended once and for all.

Mr. CONYERS. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. CHU), a distinguished member of the Judiciary Committee.

Ms. CHU. Imagine what life would be like for women under H.R. 3. Imagine you are pregnant and then diagnosed with breast cancer. Your doctor says that chemotherapy could save your life, but will permanently harm the baby. The diagnosis is devastating. But to add to your grief, because of H.R. 3, an abortion will not be covered by your private health insurance. You must pay out of pocket, even though it is necessary to save your life.

Imagine IRS agents as abortion cops. You see, under H.R. 3 you couldn't deduct an abortion as a medical expense unless it were the result of rape or incest, even though you are using your own money and even though you can deduct every other medical procedure. Imagine the IRS knocking at your door demanding receipts and grilling you about your rape.

This bill forces women to live their lives as if America was Orwell's 1984, where big brother Washington bureaucrats dictate the personal and private health decisions of American families.

Stop these attacks on women. Oppose H.R. 3.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Intellectual Property Subcommittee of the Judiciary Committee.

Mr. GOODLATTE. I thank the chairman for yielding.

Madam Speaker, as a cosponsor, I rise today in support of H.R. 3, the No Taxpayer Funding for Abortion Act. I have long believed that the right to life is one that we must vigorously protect, and I have cosponsored many bills to do that, including the Right to Life Act last Congress.

While there are many divergent views on this topic, one thing that most agree on is that it is wholly improper for the Federal Government to use taxpayers' hard-earned dollars to fund abortions. This is a moral issue of the highest importance to many taxpayers and to force them to fund these activities is completely unacceptable. For many Americans, taxpayer-funded abortions would constitute an extreme violation of conscience that should not be sanctioned by this Congress.

I urge my colleagues to support H.R. 3, and I want to thank the gentleman from New Jersey, Mr. SMITH, and the gentleman from Texas, Mr. SMITH, for first introducing and then advancing this legislation.

Mr. CONYERS. Madam Speaker, I am proud to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), a strong progressive in this Congress.

Ms. WOOLSEY. I thank the gentleman.

Madam Speaker, for the last 18 years as a Member of this body I have listened to Republicans go on and on about keeping government out of the health care system. That and taking away the voice of women actually puts the government between that woman and her most private health care decisions and is the biggest, the most intrusive government of all.

I thought my Republican friends hated taxes, but apparently they hate reproductive freedom and women's rights even more, because this bill would raise taxes on small businesses that provide their employees with health plans that include abortion coverage. And in one of its most egregious provisions, this bill could lead to IRS audits of women who seek abortion care after they have had a sexual assault. Absolutely unconscionable. Vote ''no'' on H.R. 3.

Mr. SMITH of Texas. Madam Speaker, I yield 30 seconds to the gentleman from Ohio (Mr. JORDAN), who is a member of the Judiciary Committee and also chairman of the Republican Study Committee.

Mr. JORDAN. I thank the gentleman from Texas, the distinguished chair of the Judiciary Committee.

Look, life is precious, life is sacred, and government should protect that basic fact. It is not some grant from government. It is a gift from God. Our founders understood that when they talked about the creator giving us this inalienable right, and the fact that we live in the greatest Nation in history and our tax dollars are used to destroy the life of unborn children is just plain wrong.

This bill corrects that. This bill is what the American people want, and this bill is consistent with this great Nation, founded on life, liberty and the pursuit of happiness. That is why it should pass and that is why I am a proud sponsor and urge a ''yes'' vote on the legislation.

Mr. CONYERS. I yield 2 minutes to the gentleman from Iowa (Mr. BRALEY).

Mr. BRALEY of Iowa. I thank the gentleman for yielding.

If you remember only one thing about this bill, remember this: It is a solution in search of a problem. The simple truth is that there are no taxpayer dollars being used to pay for abortions. None. Zero. Nada.

Don't be fooled by this bill. It isn't about funding. It is about preventing women from being able to access comprehensive health care. That is what this bill is about. The debate is about whether politicians sitting in Congress should dictate the personal, private medical decisions of the American people. It aims to impose intrusive government rules on personal medical decisions.

The bill's supporters don't want abortion, any abortion, to be legal in the United States, and so they are adding as many bureaucratic rules as they can come up with. This bill would not allow an exception for rape and incest for women in the military and military dependents.

□ 1420

Think about that. Military studies in news reports suggest that the sexual assault in the military is unconscionably high. CBS News reported that one in three military women experience sexual assault during their career in the service. One in three. This is outrageous. And yet under this bill, those brave women who took an oath to defend and support the Constitution of this country and put their lives on the line every day, if they are sexually assaulted by a peer and become pregnant, would not have an opportunity to get an abortion under this rule.

That's what we're talking about today. And that is the contrast between these two philosophies of the role of government and the personal-private medical decisions of women. And that is why I ask my colleagues to reject this bill.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. I want to thank CHRIS SMITH and Chairman SMITH for this very simple but profound bill.

Ladies and gentlemen, all this bill does is end public funding—taxpayer funding—of abortion. The driving force behind H.R. 3 is simply to update the longstanding Hyde amendment and apply it to programs that are federally funded but outside the scope of the Labor-HHS appropriations as well as replace a patchwork system with permanent law. It takes the Hyde amendment, the Dornan amendment, the Helms amendment, the Hyde-Weldon amendment, as well as others, and makes them permanent. That's what the bill does.

H.R. 3 enjoys great bipartisan support and had over 227 cosponsors. The support of this bill is in the public's hands. A CNN poll recently taken last month said 61 percent of the respondents do not want their tax dollars used to pay for abortions. And that's what this bill does. It ends the public funding of abortions. There are a host of other polls that clearly state the same thing.

The Hyde amendment is in current law but it simply needs to be broadened for all the things that we do here in Congress.

I ask my colleagues to vote for this very important bill.

Mr. CONYERS. Madam Speaker, I am proud to yield 1 minute to the former chair of the Congressional Black Caucus, the gentlewoman from California, BARBARA LEE.

Ms. LEE. I want to thank our ranking member for his leadership and for leading for so many years on so many important issues.

Madam Speaker, here we go again. Instead of working on creating jobs and jump-starting the economy, we're debating another cynical and divisive attempt to strip away the rights of women. Republicans continue to perpetrate their war on women while millions of people around the country are desperate for jobs to help provide for their families. Let me be clear. Current law already bans Federal funds from being used for abortions. That is a fact—even though I personally think we should get rid of that ban.

What's next? Are we going to block transportation funding because it might be used to build a road to a hospital that provides a road to abortion? Come on. By the logic of this bill, any type of Federal funding, whether it's health related or not, would become abortion money. That is such a cynical ploy on the majority side.

This bill specifically attacks low-income women in the District of Columbia by permanently prohibiting the District from spending its purely local funds on abortions for low-income women.

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

Mr. CONYERS. I yield the gentlewoman 30 additional seconds.

Ms. LEE. These women in the District have already begun to feel the terrible effects of the rider passed already in the CR. This is outrageous. It's ideologically driven and it's dangerous.

So let's reject this bill and this attack and this dangerous war on women, especially low-income women. Vote ''no'' on H.R. 3.

Mr. SMITH of Texas. Madam Speaker, I yield 1½ minutes to the gentleman from Indiana (Mr. PENCE), a member of the Judiciary Committee and the vice chairman of the Constitution Subcommittee.

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

Mr. PENCE. I thank the gentleman for yielding.

I rise in strong support of H.R. 3, the No Taxpayer Funding for Abortion Act.

I believe that ending an innocent human life is morally wrong. But I also believe it's morally wrong to take the taxpayer dollars of millions of pro-life Americans and use it to fund a procedure that they find morally offensive. Fortunately, for over 30 years, a patchwork of policies has regulated Federal funding and denied Federal funding for abortion in America.

But today, thanks to the yeoman's work of Congressman CHRIS SMITH of New Jersey and Congressman DAN LIPINSKI, we're bringing forward a bipartisan measure that will send a clear and strong and codified message that the American people don't want to allow public funding of abortion at the Federal level. I strongly support it.

The man who first brought this idea before the Congress was the late Henry Hyde. I had the privilege of serving with him. His eloquence cannot be matched, but it can be repeated. Henry said, ''I believe nothing in this world of wonders is more beautiful than the innocence of a child, that little, almost-born infant struggling to live as a member of the human family; and abortion is a lethal assault against the very idea of human rights and destroys, along with a defenseless little baby, the moral foundation of our democracy.''

Today, we say ''yes'' to life but we also say ''yes'' to respecting the moral sensibilities of millions of Americans who, wherever they stand on this divisive social question, stand broadly for the principle that no taxpayer dollars should be used to subsidize abortion at home or abroad. H.R. 3 is that legislation. I urge my colleagues to support it.

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

It has been mistakenly repeated at least a dozen times on the floor that without this bill Federal funds could be used for abortion. I want it to be clear on the RECORD that that is incorrect. I'm sorry that I have to make this statement.

This legislation subjects women to profound government intrusion. It restricts women's access to health care, and it targets small businesses for additional taxing under our IRS Code.

There are many, many organizations that are opposed to this legislation: The American Nurses Association, the American Civil Liberties Union, the American Congress of Obstetricians and Gynecologists, Catholics for Choice, the Equal Health Network, the Human Rights Campaign, the National Association of Nurse Practitioners, the National Organization of Women, the National Women's Law Center, People for the American Way, the Union for Reform Judaism, the United Church of Christ, the United Methodist Church, and the YWCA, plus numerous others.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. AMASH).

Mr. AMASH. Free societies are founded on a core set of rights—rights that are beyond the reach of government and that no other person or group can take away. The Founders created our government to secure these unalienable rights, and chief among them is the right to life.

President's recognize this right when they weigh carefully whether to put our soldiers in harm's way. Our judiciary respects this right when it spends years reviewing each and every capital punishment case. Yet this same government authorizes, and in some cases pays for, the routine taking of the most innocent of lives—the lives of the unborn.

It is unconscionable that in a country founded explicitly to protect individuals' fundamental rights we allow the regular violation of the right to life. Worse yet, the government forces each of us to pay for the killing of innocent life.

I urge you to vote for H.R. 3, to strengthen our protection of the right to life.

Mr. CONYERS. Madam Speaker, I am proud to yield 2 minutes to the minority whip from Maryland, STENY HOYER.

□ 1430

Mr. HOYER. I thank the gentleman for yielding.

Two minutes, of course, is not time enough to discuss this issue, but I rise in opposition to this piece of legislation.

With millions out of work, the American people sent Congress a strong mandate in the last election: take action on jobs. Yet after 4 months in the House majority, Republicans have yet to put forward a jobs agenda. What are they doing instead? They are pursuing a controversial social agenda, one that is far too extreme for most Americans.

Let me say something to my colleagues on the other side of the aisle, my friends on the other side of the aisle. Some of you, I think, probably characterize yourselves as libertarians, or close to libertarians. You believe the government ought to stay out of people's lives. I think that's a worthwhile premise. I have been here for, as some of you know, a long time, some 30 years; and I have heard Republicans say so often, it's their money, let them keep their money, they know better how to spend their money.

So what do you do today, my friends? What you say is, well, it's your money, and, yes, we'll give you a tax credit, if you spend it the way we want you to spend it. That's what this legislation says: it's your money, but if you don't spend it the way we want you to spend it, we will not give you the tax credit that every other American can get.

How far can you take that, my friends? In tax preference after tax preference after tax preference, we can say, you don't get it if you don't spend it the way we want you to spend it. I want you to think about that. I want you to think about the precedent that you're setting here, the social activism that you are embarking upon, on the imposition of your views on others through the Tax Code.

My friends, this bill undermines, more than any bill that I have seen, the rights of women under the Constitution of the United States.

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

Mr. HOYER. May I have 1 additional minute?

Mr. CONYERS. I yield my friend an additional 30 seconds.

Mr. HOYER. Stingy, aren't you? I miss my 1 minute, ladies and gentlemen, I tell you that. The public won't know what I'm talking about, of course.

But the fact of the matter is this bill is bad public policy, it's bad for women's health, and it's bad for America. Vote ''no'' on this bill. Let freedom ring.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are advised to address their remarks to the Chair.

Mr. SMITH of Texas. I yield 1 minute to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Madam Speaker, I appreciate the opportunity to speak today. Clearly, there is one clear issue before us in H.R. 3, and it is whether or not Americans shall be required to fund the taking of innocent human life.

It has been indicated that this is controversial, and it certainly is; but without a doubt the American people demand they not be required to subsidize abortion.

The second issue here, Madam Speaker, is the question that over and over we've heard from my colleagues that they would like to see abortion rare. That is what this bill does. With the subsidization of abortion, it expands. This bill will limit the payments and restrict and prohibit the use of Federal taxpayer dollars for the funding of abortion. That's what this bill does.

Madam Speaker, again it is very clear, and, contrary to the claims of the opponents of this bill, it is very simple. Americans should not be required to pay for abortions. H.R. 3 accomplishes this objective. I encourage my colleagues to support the bill.

Mr. CONYERS. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Florida, TED DEUTCH, a member of the Judiciary Committee.

Mr. DEUTCH. I rise today in opposition to H.R. 3, but I also rise in great disappointment that the people's House is again engaging in a debate about the rights of women rather than a discussion about the challenges our Nation faces.

For months, Democrats have urged this body to refocus its efforts on jobs; yet since the Congress convened in January, the Republican majority has failed to bring to the floor any measures to help create jobs. Their negligence is showing. Instead of working in a bipartisan way to regain America's economic strength, we again find ourselves on the floor in a divisive debate over women's reproductive freedoms.

That's right. Rather than wage a war on unemployment, my Republican colleagues are waging a war on women's health.

Under this legislation's logic, anyone who has government-subsidized insurance coverage—which is really everyone who has private health insurance, for we exempt employers from paying taxes on health benefits—would be forbidden from abortion.

Where does it end? The answer is it doesn't end. Even in the face of overwhelming support for women's rights among the American people, even in the face of more pressing challenges, real challenges like the jobs crisis, nothing stops my Republican colleagues from their assault on a woman's right to choose.

I urge a ''no'' vote.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to my colleague from Texas (Mr. HENSARLING), who is also the chairman of the Republican Conference.

Mr. HENSARLING. Madam Speaker, I rise to proudly support H.R. 3 for three simple reasons:

Number one, this bill just simply helps codify what has de facto been our policy for 35 years through the Hyde amendment, and that is a policy that no way, shape or form outlaws abortion; it simply says Federal taxpayers will not be compelled to subsidize them.

Second of all, Madam Speaker, at a time when our Nation is going broke, where we're borrowing 42 cents on the dollar, much of it from the Chinese and sending the bill to our children and grandchildren, maybe, maybe those programs that have the least consensus and are most divisive among us ought to be the first to lose their taxpayer subsidies.

Third, and most importantly and profoundly for me, Madam Speaker, in my heart and in my head, I can come to no other conclusion but that life begins at conception. It is our most fundamental right, enshrined in the Constitution. No taxpayer should be compelled against their will to subsidize the loss of human life, truly the least of these.

Mr. CONYERS. I am pleased now to yield 1 minute to the distinguished gentlelady from Connecticut, ROSA DELAURO.

Ms. DELAURO. Madam Speaker, I rise in strong opposition to this overreaching legislation, which raises taxes, threatens the health of our economy, and endangers women's health.

This bill will raise taxes on small businesses that offer comprehensive health coverage for women. It will punish perfectly legal private health decisions by raising taxes on plans that offer coverage for abortion. Eighty-seven percent of private health plans will be impacted by this unprecedented assault, and Americans will see their health insurance options restricted or taken away.

With this legislation, we have yet another example of the majority's real priorities, not to create jobs, not to grow the economy, not to reduce the deficit but to advance a divisive social agenda by manipulating the Tax Code.

And they're doing more than just raising taxes. Rather than trusting women, like the majority of Americans do, the House majority is trying to force women back into traditional roles. They are risking their very health. The report that accompanied this bill goes even further; it tries to redefine rape and narrow the exception for sexual assault.

This bill is unconscionable, and I urge my colleagues to oppose it. Let's create jobs. We should not be raising taxes and putting women's lives at risk to appease an ideological agenda.

Mr. SMITH of Texas. I yield 30 seconds to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Madam Speaker, a large majority of Americans oppose taxpayer subsidies for abortion. Those who oppose this bill, including the President, claim that it denies access to health care for women. My message to them is simple: the majority of women are opposed to having their hard-earned tax dollars spent on abortion. In a recent survey, it was found that 70 percent of women oppose taxpayer funding for abortion.

We must permanently end this practice. It is our duty to act and to act now. I urge my colleagues to listen to the majority of Americans who strongly oppose publicly funding abortion services and pass this bill.

Mr. CONYERS. Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey, ROB ANDREWS.

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

Mr. ANDREWS. Members who are pro-life or pro-choice should oppose this bill because it does violence to the Constitution. This bill purports to say that through the Tax Code, we can favor or disfavor the exercise of constitutional rights.

□ 1440

That's not right, and that's not constitutional. The Members on the majority side would certainly not support, nor would I, a provision that says you can't take a charitable contribution to support a group that lobbies in favor of pro-life causes. But if we wanted to disfavor that point of view in the Tax Code, this is the way we would do it. There is no difference between what the majority's doing here and that odious provision that I just described.

It is wrong to raise taxes on people who exercise their constitutional rights because they've chosen to exercise their constitutional rights. Whether you are pro-choice or pro-life, if you are pro-Constitution, you should vote ''no.''

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Speaker, I rise today in support of the legislation.

As of today, Congress prohibits the expenditure of Federal funds on abortions through a patchwork of riders on our annual appropriations bills. These riders include the Hyde amendment in Labor-HHS and other prohibitions in the State and Foreign Operations bill, the Financial Services bill, the Commerce-Justice-Science bill, in addition to the Defense bill. Simply put, this legislation will eliminate the need for these annual riders to ensure that these policies become permanent statute.

This bill also codifies the Hyde-Weldon conscience clause that would expand the policy to include all recipients of Federal funds. The conscience clause protects health care entities that choose not to provide abortions from discrimination by State, local, or Federal agencies that receive Federal funds. Therefore, no one who has deep religious or moral opposition to abortions should be forced to provide for them.

Madam Speaker, I support this legislation, and I urge my colleagues to do the same.

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

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to my colleague from Texas (Mr. GOHMERT), who is also a member of the Judiciary Committee.

Mr. GOHMERT. Madam Speaker, my first daughter was born very prematurely. They rushed her over to Shreveport to the highest level intensive care. The neonatologist encouraged me, because my wife couldn't come, to caress her, talk to her, that it meant so much, even though she couldn't see me. She grabbed my finger and held it for hours. She wanted to cling to life.

For those of us who think it's wrong to kill children in utero, it is even more wrong to pry money from our hands at the point of an IRS gun so that others can use our tax dollars to pay to kill those children.

Please, let's stop it.

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

I want to urge all of the Members of the House to please consider this issue from as an unemotional point of view as possible, to please determine in your hearts and in your mind about the fact that this bill goes over the top.

I would now like to yield 1 minute to the distinguished minority leader, NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding. I thank him for his ongoing leadership on issues that relate to privacy and the health of America's women.

Madam Speaker, today is approximately the 120th day of the Republican majority in the Congress of the United States; and in all those 120 days, we have yet to see a jobs bill brought to the floor. We haven't even seen a jobs proposal or a jobs agenda. Instead, once again, we see a diversion. We see legislation which is extreme and divisive and harmful to women's health.

I rise today to urge my Republican colleagues in the House to let us come together to work in a bipartisan way to address the number one priority of the American people, the creation of jobs; and I rise today as the Republicans bring to the floor this legislation instead of bringing to the floor a bill to end the subsidies for Big Oil. They gave the impression during the break that they would do that. I wrote to the Speaker; the President of the United States has written to the bipartisan leadership in Congress asking for an end to the subsidies to Big Oil. Instead of doing that, we are, again, undermining women's health.

Let us begin this part of the debate with a clear understanding of the facts. Federal funding for abortion is already prohibited under the law due to the Hyde amendment except in the cases of rape, incest, and life of the mother. Federal funding for abortion is already prohibited. This bill is even a radical departure from the Hyde amendment. It represents an unprecedented and, again, radical assault on women's access to the full range of reproductive health care services. For the first time, this bill places restrictions on how women with private insurance can spend their private dollars in purchasing health insurance.

This bill will deny tax credits for women who buy the type of health insurance that they currently have, health insurance that covers a full range of reproductive care. As a result, now, this is about businesses. If you're a woman and you have a job and your employer gives you health insurance, that employer will no longer be able to take a tax deduction from your health insurance—quite different from what happens with their male employees. And in that event, when that happens, health insurance companies will then roll back that coverage because there won't be enough people participating in the pool to justify that insurance. So there are millions of women who will no longer have access to insurance policies from their employer that cover all reproductive services.

The practical result of this legislation for many is there will be a tax increase, a tax increase on small businesses and a tax increase on women based on how they choose to spend their private dollars simply for keeping the coverage they have right now.

Even more of a problem, this legislation allows hospitals to deny life-saving care to women in moments of direst emergency. The bill would permit medical professionals to turn their back on women dying from treatable conditions. It is appalling.

As the American College of Obstetricians and Gynecologists wrote in opposition to this effort: ''We oppose legislative proposals to limit women's access to any needed medical care. These

proposals can jeopardize the health and safety of our patients and put government between a physician and a patient.''

□ 1450

Madam Speaker, let us not work to limit the care; let us expand it. Let us not raise taxes on small business and women; let us strengthen our middle class. Let us never attack the health of women; let us, instead, create jobs. That's what the American people expect us to do, and that is why I urge my colleagues to oppose this divisive and radical legislation.

Mr. SMITH of Texas. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the Speaker of the United States House of Representatives.

Mr. BOEHNER. Let me thank my colleague for yielding and express my support for H.R. 3, the No Taxpayer Funding for Abortion Act. This commonsense bipartisan legislation codifies the Hyde amendment and similar policies by permanently applying a ban on taxpayer funding of abortion across all Federal programs.

Last year we listened to the American people through our America Speaking Out project, and they spoke out on this issue loudly and clearly. We included it in our Pledge to America, and today we are taking another step toward meeting that commitment and keeping our word.

A ban on taxpayer funding of abortion is the will of the American people and ought to be the law of the land. But the law, particularly as it is currently enforced, does not reflect the will of the American people. This has created additional uncertainty, given that Americans are concerned not just about how much we are spending but how we are spending it. Enacting this legislation would provide the American people with the assurance that their hard-earned tax dollars will not be used to fund abortions. And I want to commend the leadership of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. LIPINSKI), and I urge my colleagues to support this bill.

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

Mr. SMITH of Texas. Madam Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. SMITH), who is the chief sponsor of this legislation.

Mr. SMITH of New Jersey. I thank my good friend, the chairman of the Judiciary Committee, Mr. SMITH, for his great leadership. I want to thank Mr. LIPINSKI, prime cosponsor of H.R. 3. I want to thank the other distinguished chairmen, DAVE CAMP; and FRED UPTON; our extraordinary Speaker, JOHN BOEHNER, for his eloquent statement and for his compassion for both mothers and children who are hurt by abortions; and for ERIC CANTOR, our superb majority leader, and the 228 cosponsors of this legislation.

Madam Speaker, there is no doubt whatsoever that ending all public funding for abortions saves lives. Even the pro-abortion Guttmacher Institute said in an analysis in 2009 that ''approximately one-fourth of women who would have had Medicaid-funded abortions (if the Hyde amendment did not exist) instead give birth when this funding is unavailable.'' In other words, when public funding and facilitation isn't available for abortion, children have a greater chance at survival.

I said earlier during the debate on the rule that I remember the late Congressman Henry Hyde being moved literally to tears—I was in the room when it happened—when he learned that the Hyde amendment had likely saved the lives of more than 1 million babies who today are getting on with their lives, going to school, forging a career, perhaps serving in this Chamber—at least some of them—or even establishing their own families.

H.R. 3, the No Taxpayer Funding for Abortion Act, comprehensively ensures that all programs authorized and appropriated by the Federal Government, including ObamaCare, do not subsidize the killing of babies except in the rare cases of rape, incest, or the life of the mother. H.R. 3 ends the current IRS policy of allowing tax favored treatment for abortions under itemized deductions, HSAs, MSAs, and FSAs. H.R. 3 also ends the use of tax credits under ObamaCare to purchase insurance plans that include abortions, again, except cases of rape, incest, or a threat to the life of the mother.

Madam Speaker, we know that Americans are taking a good, long, hard second look at abortion. The polls show it. On taxpayer funding, a supermajority—over 60 percent and some polls put it as high as 68 or 69 percent—do not want their funding being used to pay for abortions.

Earlier in the debate, some of my colleagues had suggested that this is a tax increase; yet the Americans for Tax Reform, who doggedly protect the public purse, have said, ''Americans for Tax Reform has no problems or issues with H.R. 3. The bill has no net tax change whatsoever.''

H.R. 3 also makes the Hyde-Weldon conscience protection permanent and significantly more effective by authorizing the courts to prevent or redress actual or threatened violations of conscience. And we know without any doubt that there are huge pressures, particularly in some States, like California, to coerce healthcare providers and plans and insurers and entire health care systems—especially those who are faith-based—to change their policy and to permit abortion on demand.

The need for this protection—Hyde-Weldon—is great. According to Alliance of Catholic Health Care, which represents California's Catholic Health Systems and Hospitals, ''California's Catholic hospitals operate in a public policy environment that regularly challenges the concept of conscience-rights protections by attempting to coerce them and other health care providers to perform, be complicit in, or pay for abortion.''

On three different occasions in the past three years, the California Department of Managed Health Care denied health insurance plan applications because the plans excluded abortion coverage and demanded that all healthcare plans must provide coverage for all basic health care services and medically-necessary health services including so-called ''medically-necessary abortions.'' This is a clear violation of the Hyde-Weldon conscience clause, but the injured parties lack judicial recourse. This legislation would remedy this problem by making the policy permanent and providing access to the courts.

Let me just conclude, Madam Speaker. Someday I truly believe future generations of Americans will look back on us, especially policymakers, and wonder how and why such a rich and seemingly enlightened society, so blessed and endowed with the capacity to protect vulnerable human life, could have instead so aggressively promoted death to children and the exploitation of their moms. They will note with deep sadness that some of our most prominent politicians, while they talked about human rights, they never lifted a finger to protect the most persecuted minority in the world, the child in the womb. Protect innocent life, vote for H.R. 3, the No Taxpayer Funding for Abortion Act.

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

Madam Speaker, on behalf of DAVE CAMP, chairman of the Ways and Means Committee, and me, I stand today in strong support of H.R. 3, the No Taxpayer Funding for Abortion Act, a bill that restricts the use of taxpayer funds for abortion.

I will continue my statement, but at this time, I would like to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the majority leader of the U.S. House.

Mr. CANTOR. I thank the gentleman. And I would also like to congratulate and thank the gentleman from New Jersey, who had just spoken, for his leadership on this issue.

Madam Speaker, above all else, we are a culture that values life. Likewise, our efforts as a Nation are dedicated to improving, preserving, and celebrating life. That's why it's no surprise that polling routinely shows that over 60 percent of Americans oppose taxpayer funding for abortion.

H.R. 3, the No Taxpayer Funding for Abortion Act, enforces a government-wide prohibition on subsidies for abortion and abortion coverage. At a time of fiscal crisis, this bill ensures that scarce resources are not diverted towards increasing the number of abortions in America. This bill also codifies existing conscience protections and

closes loopholes that offer tax-preferred status to abortion. In short, it comports with our values as a people.

Thomas Jefferson warned that ''to compel a man to subsidize with his taxes the propagation of ideas which he disbelieves and abhors is sinful and tyrannical.'' Forcing Americans to subsidize elective abortion with their tax dollars falls squarely in this camp.

Madam Speaker, I urge my colleagues to support H.R. 3 to ensure that no taxpayer dollars go toward the funding of abortion.

Mr. LEVIN. I yield myself 2 minutes.

We here need to talk straight to the American people. This bill does not codify the Hyde amendment. It goes well beyond it. We don't need to codify the Hyde amendment. It's the law of the land. The purpose of this bill is to go beyond it, and that's what you should acknowledge.

□ 1500

In doing so, you cross a very, very important line. This bill is going nowhere in the Senate. Where it can go is everywhere in interfering with a person's access to health care, or with the use of their own money for their own purposes as they choose. The logic here, if it becomes precedent, could be used, for example, to prevent a health policy falling under the Tax Code if the procedure relates to a development that occurred because of stem cell research. We should not be doing that. It takes away the ability to use an itemized deduction. We should not do that.

Where does this stop? Where does it stop? It crosses a line for the first time. It does not codify. It threatens crossing a line we should not in terms of the ability of people to provide health care and use their own resources.

I reserve the balance of my time.

Mr. BRADY of Texas. I yield myself 1½ minutes.

Simply put, this legislation is about making sure taxpayer funds aren't used to fund abortions. In the clearest and most general terms, we're codifying the longstanding bipartisan Hyde amendment which prevents taxpayer funds from being used for abortion-related costs.

I want to be clear about what the legislation does and does not do. This legislation does not, as critics claim, affect either the ability of an individual to pay for an abortion or abortion coverage through private funds or the ability of an entity to provide separate abortion coverage. It does not apply to abortions in the cases of rape, incest or life-threatening physical conditions of the mother. Nor does it apply to treatment of injury, infection or other health problems resulting from an abortion. And to be crystal clear, this legislation does not increase taxes.

At this time, Madam Speaker, I would like to submit a letter from Americans for Tax Reform to that effect.

AMERICANS FOR TAX REFORM,
Washington, DC, March 16, 2011.

Hon. PAT TIBERI,
House of Representatives, Committee on Ways and Means, Washington, DC.

Hon. RICHARD NEAL,
House of Representatives, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN TIBERI AND RANKING MEMBER NEAL: On behalf of Americans for Tax Reform, I write today to clarify our position on H.R. 3, the ''No Taxpayer Funding for Abortion Act.'' As you know, the Congressional Budget Office on March 15, 2011 declared that H.R. 3 has ''negligible effects on tax revenues.'' In budgetary parlance, that is synonymous with a zero tax score. As a result, ATR has no problems or issues with H.R. 3. The bill has no net tax change whatsoever, and is therefore not legislation at all relating to the Taxpayer Protection Pledge. Attempts to claim otherwise are not based on reality, but on mere political gamesmanship of the lowest order.

We look forward to continuing to work with you to make certain that all tax legislation is (at worst) tax revenue-neutral, as H.R. 3 already is.

Sincerely,

GROVER NORQUIST.

This legislation makes specific and narrow changes to the Tax Code so if funds in an FSA or health savings account are used to pay for an abortion, those dollars will not receive tax-favored treatment; prevents the cost of an abortion from counting towards the deduction for unreimbursed medical expense; and clarifies tax subsidies made available in the 2010 health law for the purpose of insurance cannot be used for policies that cover abortion.

Madam Speaker, H.R. 3 is pro-life, pro-family, and it is pro-taxpayer. It's a responsible step to ensuring a longstanding precedent Republicans and Democrats have supported for decades. And I urge all Members to support H.R. 3 so that no taxpayer funds are used for abortion.

I reserve the balance of my time.

Mr. LEVIN. I yield 1½ minutes to another member of the Ways and Means Committee, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. My friend from Michigan said it right. There are no Federal funds for abortion under the terms of the Hyde amendment, except in the case of rape and incest.

What this is about is how families spend their money and small business deals with insurance. It's part of a continuing Republican assault against people with whom they disagree. It continues the sad spectacle of using the Internal Revenue Service—I would say not just the use but the abuse of the IRS—to attack people with whom they disagree.

Remember the spectacle of the Ways and Means hearing where they drug AARP before them and tried to have an investigation because they disagreed with them on health insurance?

Yes, this would put government between doctors and American families. But it's not just about abortion under the Hyde amendment.

Remember, there are some people who are against the rape and incest exemption. There are some people who had a shocking proposal to radically change the very definition of rape.

There is a continuing effort to erode basic fundamental reproductive freedom, and this shows a tactic of using the IRS that I think is very dangerous. It does, in fact, increase the complexity and raises taxes on individuals who may, in fact, need these procedures that may, in fact, be lifesaving. The proponents may not agree with what a woman and her doctor decide but that should be their decision.

This raises the specter of using the Tax Code and the Congressional investigating power in ways that no one should support.

Mr. BRADY of Texas. Madam Speaker, I yield the balance of my time to the distinguished gentlewoman from Tennessee (Mrs. BLACK), a nurse and a member of the Ways and Means Committee.

Mrs. BLACK. Madam Speaker, today we have heard many misrepresentations of the true nature of this bill, and so I want to boil it down to the simple facts of what this bill actually does—no hyperbole, no scare tactics.

This bill codifies the Hyde amendment that no taxpayer dollars will go to funding abortions. And this is a longstanding policy of the Federal Government since 1976.

We already know how medical expenses of all sorts are treated under the Tax Code. Taxpayers who use itemized deductions for medical expenses, who have HSAs or FSAs or MSAs, do not, and I want to highlight that, do not identify each medical expense on an individual tax return. That is not the case today nor will it be the case if this bill is signed into law.

And to be clear, what this bill does not do, a woman would not have to list on a tax form that a specific medical expense was for an abortion. That's simply not how the process works. It's not how it works today nor will it be how it works if this is signed into law.

So it's important to make clear that no one would ever be audited because of an abortion. They would have to already be under an audit for some other reason before—and I want to emphasize before—the IRS would even consider asking about any medical procedure.

Many types of medical care are very private. And as a nurse for over 40 years, I fully understand how personal medical issues can be. And taxpayers who don't want to tell the IRS about medical procedures they wish to be kept private can do so by not claiming those tax credits for such care.

Now, even if this issue did arise in an audit, other Federal agencies that already use taxpayer dollars, such as Medicaid and the Federal Employee Health Benefit Program, have had no problem distinguishing between abortions following rape and incest and elective abortions, and have done so without a reporting requirement. It's already there. They generally accept

the statement of the provider, basically, a doctor's note. And I would expect the IRS to do the same in these extremely rare cases.

Now, that doesn't mean that this is not a very difficult situation for that small group of women. And I understand it is incredibly difficult, and my heart goes out to them. But if you claim a tax benefit for a medical procedure like an abortion and you get audited, you can either choose to forego that tax benefit or else prepare to substantiate the tax benefit.

Mr. LEVIN. It is now my pleasure to yield the balance of my time to a very distinguished member of our committee, the gentleman from New York (Mr. CROWLEY).

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

Mr. CROWLEY. Madam Speaker, with all due respect to my colleague, Mrs. BLACK, when someone comes to the floor and says, I'm going to speak now free of hyperbole, well, it will be so high up to your neck you don't have to worry about getting it off your shoe because the reality is that was all hyperbole.

If what we were doing here right now was simply codifying existing law, there would probably be very little angst on this side of the aisle. But that's not what's happening. What this provision does is goes so much further. It only speaks to the ideological purge that you're on right now.

Madam Speaker, on the 100th day of Republican rule of the House, I stood speechless on this floor at their failed campaign promise to focus on job creation and economic growth. It's said, ''Actions speak louder than words,'' and that is true.

□ 1510

For all the Republicans' talk about putting Americans back to work, their actions demonstrate this is the least of their priorities. Instead, they have cut jobs, they have raised taxes, and reduced Americans' access to health care.

The bill being debated today also has no jobs component whatsoever. Not a single job will be created because of this bill today. In fact, it will raise taxes and hamper the ability of small businessmen and -women to hire people.

In their ideological zeal to restrict a woman's right to choose, the Republicans have prioritized a measure that the South Carolina Small Business Chamber of Commerce calls, and I quote, ''a slap in the face to small business owners.''

We just a few weeks ago removed the 1099 onerous provisions, and now we are going to further burden small businessmen and -women with this provision. It will burden them. It will not create a single job. It will only further burden the ability of small businessmen and -women to create jobs in America.

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

Madam Speaker, the bill before us today should be a no-brainer. Americans overwhelmingly reject the use of taxpayer funds for abortion. In several polls over the last few years, anywhere from 60 percent to 70 percent of the public oppose using taxpayer funds for abortion. H.R. 3 puts into statute the will of the American people.

Since 1976, the Hyde amendment has been included in appropriations bills to ensure that Federal funds are not used to provide abortions. This policy provision has passed year in and year out with bipartisan support. H.R. 3 would just take that provision and put it into law. This may make sense to most Americans, but for some reason this idea receives great pushback in Washington.

Health care reform also placed abortion funding at the center of its debate. In their haste to pass ObamaCare last Congress, the Democrat leadership in Washington neglected to include any adequate prohibition on abortion funding. The President did issue an executive order to support the intentions of Hyde. Unfortunately, the order merely reiterated the accounting gimmick in the health care bill.

The President's own chief of staff at that time would later comment on how he thought up the idea for this executive order so that they could ''allow the Stupak amendment not to exist by law but by executive order.''

When the President signed that bill into law, he allowed a massive expansion in Federal funding for abortion. In a time of great Federal debt, the last thing the American people want is to have their taxpayer dollars used on the morally objectionable practice of abortion.

According to a 2007 Guttmacher Institute report, if the Hyde amendment were removed from law, the number of abortions would likely increase by 25 percent. The study reveals what is common sense: an increase in funding for abortions will directly lead to an increase in the number of abortions.

Many of my colleagues on the other side of the aisle have expressed their desire to reduce abortions. If that is truly their desire and not just a talking point, then they should have no problem at all voting in favor of this bill. I urge my colleagues to support this bill.

I reserve the balance of my time.

Ms. DEGETTE. Madam Speaker, I rise in strong opposition to this extreme legislation, and I yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I rise in opposition to H.R. 3, the so-called No Taxpayer Funding for Abortion Act. But don't be confused. H.R. 3 goes far beyond current law which is already highly restrictive and, frankly, which I oppose.

The Hyde amendment already prohibits women enrolled in Medicaid and Medicare, Federal employees, women serving in the military, women in Federal prisons, Peace Corps volunteers, and women seeking care under the Indian Health Services Act from getting the care they need. In other words, there is no Federal funding for abortion. But actually what it does do, among other things, is attack small businesses.

Let's hear the words of Frank Knapp, Jr., president and CEO of the South Carolina Small Business Chamber of Commerce with 5,000 members. Here is what he says:

H.R. 3 is an attempt to roll back the historic small business health insurance tax credit created by the Affordable Care Act. When the House voted to eliminate and defeat the entire Affordable Care Act, we—he means small businesses—could rationalize that this great benefit for small businesses was just collateral damage. My own Congressman told me he would support the small business health insurance tax credits in the Affordable Care Act replacement legislation. But small businesses can no longer think of themselves as collateral damage.

Mr. Knapp says: Let me make this very clear. A vote for H.R. 3 is a direct attack on small business. Every Representative who loudly proclaims their love for small businesses because they are the backbone of the economy now can put their vote where their mouth is. Their true support for small business will be judged by their ''no'' vote on H.R. 3.

I urge all my colleagues not to let this phony use of the Tax Code to take away the rights of small businesses that get tax credits or individuals to pay for abortions with their own money.

Mr. PITTS. For the information of the Members, the Hyde amendment only applies to the Labor-H bill. It is offered every year as a rider. Similar language is offered to Indian Health, Federal Employee Health Benefits Act. We have done these amendments, or riders, to these bills every year for years. So when you speak about the Hyde amendment, we should speak about it accurately.

I yield such time as she may consume to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Madam Speaker, I rise in support of H.R. 3.

This is not a controversial bill. This is a commonsense bill to rein in our runaway government spending and to quit spending money on things that the American citizens don't want. Certainly we should not be spending our hard-earned tax dollars on abortion.

People work hard all year to send in their taxes on April 15, and they shouldn't have their money going to something that is morally objectionable to them that takes away human life.

There are many, many areas of this budget that we need to rein in, but this is noncontroversial. This is something that over 60 percent of the American people say, I don't want my tax dollars

going to pay for abortions, the taking of a human innocent life.

So it is time to make this permanent so that we don't have to, as a Congress, come in every year and discuss these issues on all the different legislation that is out there. Now is the time to make this permanent. Get it off the table so we can get on to other areas of reining in the runaway spending, making government more efficient and more effective, using our tax dollars more wisely.

And certainly it is not an affront to women's health. Women have the opportunity to get the health care that they need now, but we don't need to be using it to take innocent human life.

I certainly applaud this bill, which has so many cosponsors. We need to make sure that our tax dollars are not used for abortion.

□ 1520

Ms. DEGETTE. I am now pleased to yield 1 minute to a senior member of the Energy and Commerce Committee, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentlewoman for yielding.

I believe my friends on the other side of the aisle think that, if they repeat something again and again, people will begin to believe it. The fact of the matter is the Hyde Amendment already prohibits Federal funds from being used for abortions. This is not about Federal funds.

The other thing I don't understand is my Republican friends always claim that they want smaller government, that they don't want the government to intrude on people's lives. So here we are, about to pass a measure that expands government, that intrudes on people's lives, that penalizes small businesses, and impedes them from creating jobs.

I don't believe the government should be in the business of preventing people from accessing legal medical treatment. It surprises me and worries me that this Congress keeps proposing legislation that diminishes the right to access health care. Abortion is legal in this country. I understand how people feel on both sides of the aisle. It's a very personal decision. Yet Republicans seem intent on interfering with a woman's right to make her own decisions with her family and physicians, using her private money.

Abortion is a difficult choice, to be sure, and this extreme legislation makes the decision even harder. We need to provide women and their families with the support they need to make health decisions, not criminalize them. Vote ''no'' on this bill.

Mr. PITTS. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. PITTS. I yield 30 seconds to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Pennsylvania for his leadership on this issue and for yielding time.

Madam Speaker, not using the hard-earned money of taxpayers to destroy innocent unborn children is not extreme, and it is not radical. It is the right thing to do. The majority of Americans agrees with us that it is the wrong thing to use their money for this issue.

I want to support my colleague in this legislation in saying we need to pass this bill, and we need to send a message to the American people that we are wise stewards of their money.

The SPEAKER pro tempore. The gentlewoman from Colorado has 2 minutes remaining.

Ms. DEGETTE. I yield myself the balance of my time.

Madam Speaker, in sitting and listening to this debate, it would be extremely easy to become completely confused. The proponents of this bill keep repeating the same mantra. They want to stop the Federal funding of abortion. They forget to mention that there is no Federal funding of abortion.

What they want to do for the first time is to expand restrictions on funding into tax policy. Right now, under current law, we have the Hyde Amendment, which every year prevents Federal funds from being used for abortion except in the cases of rape, incest or in saving the life of the mother. I don't like the Hyde Amendment. Lots of people don't like the Hyde Amendment, but it's the law. This bill, however, goes far beyond current law. Now my colleagues across the aisle want to expand these restrictions and make sure that individuals and businesses can't get complete women's health care in their health insurance, with their own money, without paying for a tax increase. Businesses, which right now get tax relief for having full health insurance, would not be able to get it.

Let me say this again: At a time when everybody in this House and certainly when everybody on the other side of the aisle is saying we can't raise taxes, the leadership of this House is supporting raising taxes to advance a social policy.

I don't think, Madam Speaker, that this was in the Republican Pledge to America. I don't know how many times the Republican leadership is going to make this Congress vote to strip American women of their access to health care with their own money. I, for one, would like to encourage them to spend their time getting our country back to work rather than on an extreme agenda that the American people didn't ask for, didn't want, and that is going nowhere in the U.S. Senate but, if it did, would be vetoed by the President of the United States.

I urge the Members to vote ''no'' on this ill-conceived piece of legislation.

Ms. BORDALLO. Madam Speaker, I rise today in support of H.R 3, the No Taxpayer Funding for Abortion Act, sponsored by Congressman CHRISTOPHER H. SMITH. This bill, supported by the United Conference of Catholic Bishops, would reinforce the Hyde Amendment, which prohibits the use of federal funds to cover abortion services; the bill would also prohibit federal funding for health insurance that includes abortion coverage.

H.R. 3 would prevent public funds from being used to pay for, or subsidize, abortions, either through the Patient Protection and Affordable Care Act or health care affordability tax credits. The bill includes a provision to provide for exceptions in the case of rape, incest, physical injury or physical illness to the women. The Hyde Amendment is already in place in current federal health programs like Medicaid and Medicare, and this bill would ensure it is governed in a consistent manner.

I have received numerous letters from my constituents whom have expressed serious concerns that federal funds would be used to pay for elective abortion procedures. I am very supportive of the overall goals of H.R. 3, which would effectively codify the Hyde–Weldon clause to support existing federal conscience protections for health care providers.

I commend Congressman SMITH for his leadership on this important issue, and I urge my colleagues to support this amendment.

Mr. MARINO. Madam Speaker, I rise today to express my strong support for H.R. 3, the No Taxpayer Funding for Abortion Act. I believe strongly that every human life should be protected, whether born or yet to be born. As the father of two adopted children this issue is very personal to me; every day that I spend with my children reminds me that all lives are precious. Protecting the lives of innocent children should be the responsibility of Congress and this legislation represents an important step in the right direction.

Currently, we rely on a patchwork of ''riders'' to appropriations legislation or Executive orders to protect American taxpayers from funding abortions. As the debate on the health care legislation transpired during the last Congress, we saw first-hand the problem with continuing to rely on this draconian process. Instead of relying on the whims of the annual appropriations process or any easily revocable order by the President, it is time to put into law the prohibition against using taxpayer dollars to pay for abortions. The Federal government should not, directly or indirectly, provide any funding for abortion services and this legislation is critical to ensuring these prohibitions exist.

As you can see, I believe one of the largest responsibilities of Congress is to provide the utmost protection for our nation's children—including the lives of the unborn. It is time that we enact one, consistent policy to eliminate any problems or confusion about abortion funding in future legislation.

Mr. FARR. Madam Speaker, H.R. 3 is an extremely misleading piece of legislation. Supporters of the bill argue that it will simply codify the Hyde amendment and permanently prohibit taxpayer funding of abortion. However, we all know that is false. H.R. 3 is actually much more nefarious than that. It seeks to restrict women's reproductive rights and access to health care; increase healthcare premiums for many Americans and small businesses; and, limit the private insurance choices of consumers. It will almost certainly guarantee that insurance companies will no longer offer abortion coverage to consumers.

The Republicans in the House have been on a mission, ever since they took over the Majority, to completely eliminate women's reproductive rights and their access to healthcare.

I recently received a letter from a male constituent who is 68 years young; someone we can all agree is definitely not in need of reproductive health care. This man is a recipient of Medicare and receives his primary care at the Santa Cruz chapter of Planned Parenthood. His doctor is the one of the few doctors in Santa Cruz County who currently accepts Medicare patients.

If the Republicans get their way and federal funding is denied to Planned Parenthood and other organizations that provide primary healthcare for low income patients simply because they also provide reproductive healthcare, then this man, along with millions of other low income Americans, will be denied their only access to primary healthcare in their communities. Hospital emergency rooms will become the health care provider of first resort. Hospitals that are currently overwhelmed would be further inundated, thereby driving up healthcare costs even higher and costing the federal government even more taxpayer dollars.

If saving taxpayer dollars is truly the goal, then the Majority should be supporting family planning and reproductive healthcare services, not attacking them. We all know that for every $1 spent on family planning, $4 of taxpayer money is saved.

This bill is radical and extreme. It is a far cry from any kind of middle ground or compromise on abortion policy. It will make abortion as difficult to obtain as possible without actually criminalizing the procedure. H.R. 3 overreaches in every possible way. More importantly, it would penalize rather than help taxpayers, impede basic government functions, and discriminate against women who are struggling to do their best in a difficult situation.

Madam Speaker, the American people want both parties to work together. H.R. 3 only inflames an already intense and intractable debate and further polarizes this House. I urge my colleagues to object to H.R. 3.

Mr. HONDA. Madam Speaker, I rise today in strong opposition to H.R. 3, an unnecessary and intrusive bill that represents a short-sighted attack on the rights of women and families, and distracts us from the work that Americans sent us here to do.

H.R. 3 would diminish meaningful access to healthcare for millions of lower and middle income families by denying them tax credits if the insurance plan they choose includes coverage for abortion services. This means that under this bill, for the first time ever, our country would equate health expenses that are the subject of preferential tax treatment as the same as federal spending. The costs of health services remain the same, whether the coverage for abortions is provided in a plan or not. Removing these tax breaks for the most vulnerable members of our society is not only dangerous, it is heartless, and it will return a constitutionally-protected medical procedure to its dark back-alley days. Rather than offering real solutions to the problems our nation faces, the other side of the aisle only offers a return to the fights over social issues of the past.

Republicans claim that H.R. 3 merely codifies the Hyde Amendment, a provision prohibiting the use of federal funds for most abortion services, but it goes much farther than that—it tries to end private insurance coverage of abortion care. Besides, the Hyde Amendment has been passed every single year for nearly forty years—we already have a law prohibiting the use of federal funds to pay for abortion, we don't need another one.

H.R. 3 is an unnecessary distraction from the real issues that we were sent here to address. While some of us take our duties seriously, the GOP is busy creating diversions to avoid doing real work. Rather than focus on job creation, as the American public has said it wants us to do, the Republican majority would limit women's healthcare options and increase healthcare costs for lower- and middle-income women and families. This kind of diversion has no place in this Congress. The GOP has been in the majority for four months, yet they have failed to introduce even one piece of legislation that addresses jobs. They do, however, have the time to play political games with the health care of poor Americans and to attack the rights of every woman in this country to choice—a personal decision that is and should remain between a women and her physician.

The proponents of this legislation aren't interested in addressing real problems, Madam Speaker. They're only interested in creating more of them. That is why I oppose H.R. 3.

Ms. RICHARDSON. Madam Speaker, I rise today in strong opposition to H.R. 3, the ''No Taxpayer Funding for Abortion Act.'' This deceptively titled legislation is nothing more than another Republican assault on women's access to reproductive health care.

At a time when Congress needs to be focused on creating jobs and protecting the middle class, the Republican majority has decided to make this anti-choice bill a priority. If enacted, this legislation will severely curtail women's access to reproductive health care by:

1. Banning the coverage of abortion services in the new health care law;

2. Imposing tax penalties on women and small businesses with health insurance plans that cover abortion;

3. Narrowing the already restrictive rape and incest exceptions in the Hyde Amendment; and

4. Continuing to limit access to reproductive health care for low income women, and ban coverage for federal employees and women in the military.

If this bill were enacted, millions of families and small businesses with private health insurance plans that offer abortion coverage would be faced with tax increases, making the cost of health care insurance even more expensive.

Under the Affordable Care Act, insurers are able to offer abortion coverage and receive federal offsets for premiums as long as enrollees pay for the abortion coverage from separate, private funds. If enacted, H.R. 3 would deny federal subsidies or credits to private health insurance plans that offer abortion coverage even if that coverage is paid for from private funds.

This would inevitably lead to private health insurance companies dropping abortion coverage leaving millions of women without access to affordable, comprehensive health care. Currently, 87% of private insurance health care plans offered through employers cover abortion. If H.R. 3 is made into law, consumer options for private health insurance plans would be unnecessarily restricted and the tax burden on these policy holders would increase significantly.

H.R. 3 would also deny tax credits to small businesses that offer their employees insurance plans that cover abortion. This would have a significant impact on millions of families across the nation who would no longer be able to take advantage of existing tax credits and deductions for the cost of their health care. For example, small businesses that offer health plans that cover abortions would no longer be eligible for the Small Business Health Tax Credit—potentially worth 35%–50% of the cost of their premiums—threatening 4 million small businesses. Self-employed Americans who are able to deduct the cost of their comprehensive health insurance from their taxable income will also be denied similar tax credits and face higher taxes.

A November 2010 Hart Research poll found that a significant majority (74%) of the American population opposes the key provision of this bill, which would increase the tax burden on those who purchase comprehensive health insurance plans.

Current law requires state Medicaid programs to cover abortion care in limited circumstances, including in cases of rape, incest, or when the pregnancy jeopardizes the woman's life. H.R. 3 would allow states to refuse abortion coverage for Medicaid beneficiaries in all of these cases, even when their life is in danger.

Women who would need to terminate a pregnancy as a result of medical complications would be forced to pay up to $10,000 or more for abortion services. For many women, being forced to pay the full cost of an abortion is not economically feasible and would lead many families into bankruptcy or force pregnant women with medical complications to take on major risks to carry the child to term. H.R. 3 would also undermine the District of Columbia's home rule by restricting its use of funds for abortion care to low-income women.

The Hyde Amendment stipulates that no taxpayer dollars are to be used for abortion care, and has narrow exceptions for rape, incest, and health complications that arise from pregnancy which put the mother's life in danger. H.R. 3 would restrict women's access to reproductive health care even further by narrowing the already stringent requirements set forth in the Hyde Amendment.

When the Affordable Care Act was signed into law, the President issued an Executive Order to ''ensure that Federal funds are not used for abortion services.'' This bill goes far beyond the safeguards established under the Affordable Care Act, and sets a dangerous precedent for the future of women's reproductive health in this country.

At a time when the American people want Congress to focus on creating jobs and stabilizing the economy, the Republicans wish to focus on this divisive piece of legislation that does nothing to move our country forward.

I urge my colleagues to join me in voting no on H.R. 3, a bill that represents an unprecedented step backward in women's reproductive freedom.

Ms. HANABUSA. Madam Speaker, I would like to express my deep opposition to H.R. 3. Rather than focus on legislation that will help the millions of Americans struggling to recover from a national recession, the majority in this chamber have instead decided to take up an unreasonable piece of legislation that essentially declares war on women's access to healthcare.

H.R. 3 is being called the ''No Taxpayer Funding for Abortion Act.'' In fact, the healthcare legislation that President Obama signed into law last year already states that no federal taxpayer dollars may be use to fund abortion services. Additionally, the law requires that plans receiving federal funds must keep taxpayer dollars separate from funds for abortion services.

Women in the United States simply do not get public funds for abortion services. However, under the guise of eliminating abortion funding, what this bill really does is limit access to reproductive healthcare for the millions of women who pay for insurance and medical expenses through their own private insurance plans.

Finally, it is my firm belief that it is not the place of Congress to impede on women's reproductive freedom rights, which is exactly what this bill does.

Instead of debating divisive partisan issues, we should be working to get the nation back on track. The Republican leadership has controlled the agenda in the House of Representatives for the last 18 weeks and has still not brought forth legislation that would help stimulate the economy and spur economic growth.

Mr. PASCRELL. Madam Speaker, let me be clear. Throughout my years in Congress, I have always supported the Hyde amendment and have been against any government funding of abortion. Moreover, I have voted with the conviction that we, as Members of Congress, should not reach into the private lives of our constituents on issues as personal as this.

There is a very thin line here and this bill goes beyond it. As we all know, good policy is about striking a good balance. During health care reform, we reached a delicate compromise yet this bill would unravel that compromise to use the tax code in an unprecedented manner. As a Member of the Ways and Means Committee, I am acutely aware of how we use the tax code and disagree with the majority's choice to set this precedent.

At the end of the day, my constituents know my position on this issue. I believe women should be able to make their personal decisions in consultation with their families, their faith, and with their health professionals. That is how it should be. However, should this bill become law, not only would the IRS be involved asking women about a very personal decision, but the middle class would face increased taxes. I am not comfortable with these consequences and with the unbalanced approach of this bill. I urge my colleagues to vote no on H.R. 3.

Mr. WAXMAN. Madam Speaker, I am wholly opposed to this legislation, and urge its defeat.

We have a lot of challenges in this country: high gasoline prices, high unemployment, an economy that is not growing strongly enough, crumbling infrastructure, a growing threat from carbon pollution and climate change, and two ongoing wars in the Middle East, among many others.

But rather than focus on issues that are front and center in the lives of Americans from all walks of life, what legislation does the Republican leadership choose to bring to the floor today? Not a bill for jobs. Not a bill for growth. Not a bill that will promote clean energy. Not a bill for education. Not a bill for infrastructure investment. Not even a bill that addresses the deficit.

Instead, the Republican leadership presents a bill whose relentless focus is to extinguish a woman's right of choice with respect to pregnancy.

We have already resolved this issue. Last year, we did so in the Affordable Care Act. That law clearly and unequivocally prohibits the use of federal funds for abortion; keeps state and federal abortion-related law in place; and ensures that those whose conscience dictates against abortion are protected, and not discriminated against.

But this is not enough for some. H.R. 3 will result in a virtual shut-down of abortion services in the United States.

In addition to making permanent the prohibition in existing law on any federal funding for abortion, H.R. 3 prohibits any federal funds from being expended for health benefits coverage that includes coverage of abortion. It establishes tax penalties for private expenditures on abortion. It provides a limitation on federal facilities and employees with respect to abortion. It again singles out the District of Columbia to prevent the citizens of that city from determining whether the local government can fund abortion services with its own revenue.

H.R. 3 is extreme, it is cruel, it is offensive, and it is wrong.

As I have stated in opposing other restrictive legislation on reproductive rights this year, this legislation will not become law. It is not what the American people are asking us to do. November's election was focused on jobs and economic growth. Its outcome was not a mandate to erode the rights of choice that are protected by the Constitution.

H.R. 3 turns the clock back to over 50 years ago. It should never have been brought to the floor and it should never be given the force of law. Not in the United States of America. Not in the 21st century. I urge its defeat.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to state my strong opposition to H.R. 3. This bill—ostensibly the Republican leadership's third-highest priority—is a reprehensible piece of legislation that will do nothing but put the lives of American women at risk.

It also tells us what the Republican leadership thinks of American women. When this bill was first introduced, I was outraged and horrified that the bill narrowed the long-standing exemption for rape to only ''forcible rape.'' I called this out for what it is—a violent act against women.

When this bill was marked up in the House Judiciary committee, ''forcible'' had been removed, therefore leaving the language as it has stood for decades. Without the word ''forcible,'' this exemption includes a wealth of horrifying circumstances, such as date rape, statutory rape, and rape where the woman is unconscious or mentally unable to consent.

To say that these instances are not really rape is a violent affront against women and the gravest insult to ALL victims of sexual assault.

Madam Speaker, I was absolutely incensed when I learned that although ''forcible'' does not appear in the bill language, its sponsors ensured that the report language clearly noted that the bill intends to apply to only ''forcible'' instances of rape.

So not only do the bill's sponsors not have a problem with endangering the lives of American women—but they're perfectly fine with not telling them the truth, too.

Let me be clear—no amendment, no word change could make this bill even close to acceptable. It is an insult to American women who require life-saving abortion care for health purposes, and a slap in the face to all American women who until now may have thought that their constitutional right to make their own private medical decisions about their body was safe.

Now we know that it's not— and the anti-choice community will stop at nothing to ensure that they chip away at Roe v. Wade until it is gone forever.

Madam Speaker, I urge my colleagues to vote ''no'' on this atrocious bill. A vote against H.R. 3 is a vote for the health of American women and the sanctity of constitutional rights for us all.

Mr. STARK. Madam Speaker, I rise in vehement opposition to the ''No Taxpayer Funding for Abortion Act.''

Of the many problems with this legislation, it ignores the fact that the Affordable Care Act already bans federal funding for abortion except in rare cases. Instead of being content with these firm restrictions, the authors of this bill have paved a new way for the most perilous anti-choice policy: their legislation would actually deny a woman an abortion when carrying out her pregnancy would endanger her life. The more subtle details of the bill are almost as onerous.

Republicans want IRS agents to double as ''abortion detectives'' who decide whether tax benefits have been improperly claimed with regard to abortion service expenses. Their legislation prevents low-income women and families from using premium tax credits if their coverage includes abortion services. It increases families' taxes when they use funds from their health savings or flexible-spending accounts for abortion related expenses. It denies employers the right to use ACA tax credits to provide their employees with comprehensive health coverage.

If this bill becomes law, our constituents will be paying far more than just higher taxes: they will be paying with their privacy, their dignity, and their right to determine the course of their own lives.

This bill does everything short of having anti-choice politicians physically present in our doctor's rooms, in our hospitals and looking over our shoulders when we fill out our tax forms. I urge my colleagues to show their respect for our constituents by opposing this thoughtless and harmful bill.

Mr. MORAN. Madam Speaker, I rise today in strongest opposition to H.R. 3, the ''No Taxpayer Funding for Abortion Act.'' Not only is this bill taking up valuable floor time, but it is redundant and goes beyond a woman's right to control her body by tinkering with the tax code and private health insurance plans.

It is a mystery to me why we keep wasting time on legislation that addresses abortion. The Supreme Court has ruled on this issue, and there are established policies that prohibit the use of federal funds for abortion services except in very narrow circumstances. The President has announced he will veto this bill should it actually reach his desk.

Almost 9 percent of Americans are out of work, yet the House of Representatives has not taken one step to address this pressing national concern.

My Republican colleagues—who are strong advocates for less government—consistently

want the federal government to oversee a woman's reproductive rights. This legislation jeopardizes the health of pregnant women who may be suffering from cancer or another devastating disease, by limiting their ability to obtain adequate insurance in the private market.

House Republicans are manipulating the tax code to make sure abortions are out of reach for low income and in some cases, even middle class women. This legislation would also take away benefits that women insured in the private market currently have by imposing tax penalties on individuals and small businesses whose insurance plans include any kind of abortion services.

And if all this weren't enough, H.R. 3 would once again tell the District of Columbia how to spend its own money. It would codify policy included in the CR usurping the city council's authority to use locally raised revenue to provide abortion care for its low-income residents, an unfair restriction which Congress lifted in 2009 and reimposed this year.

Why should the District of Columbia be constantly used as a Petri dish for Republican policy experiments. It just isn't right.

Abortion is a hard choice for any woman. It is a decision that should be made by her, her family and her physician—without the federal government restricting access to services.

Let's move on to legislation that will help grow our economy and get people back to work.

I urge a ''no'' vote on H.R. 3

Ms. JACKSON LEE of Texas. Madam Speaker, today we have an opportunity to examine H.R. 3, ''the No Taxpayer Funding for Abortion Act,'' a bill which is claimed to simply codify what is already law. However, H.R. 3 is by far more restrictive than any current law, or interpretation thereof.

My colleagues across the aisle claim that this bill is simply about limiting federal funding for abortions. If that were truly the case, then there would be no purpose for H.R. 3, because Federal funding has not been available for abortions since passage of the Hyde amendment in 1977.

The effect of H.R. 3 is, in fact, to so drastically limit access to abortions that they will essentially become unavailable, even when paid for with an individual's own funds. In its attempt to make abortions unavailable, H.R. 3 will have a detrimental impact on women's health, and moreover, attacks a woman's constitutionally protected right to choose.

Twice, first in the Judiciary Committee Markup and secondly when H.R. 3 was being considered in the Rules Committee, I have attempted to offer to amendments to this bill that help to protect both the constitutionally protected rights of women, and their health. In both instances, my amendments were not accepted by the Republican majority on the Rules Committee.

My first amendment would have required the Attorney General to certify to Congress that H.R. 3 does not violate any constitutionally protected right before allowing this bill to take effect. The sponsor's of this bill have been perfectly clear that their goal with H.R. 3 is to create so many barriers and obstacles to abortion that it essentially becomes unavailable. The law is clear that while the government may regulate, it cannot impose an undue burden on a constitutionally protected right. The effect of H.R. 3 would be to impose such an insurmountable burden on a woman's fundamental right to make decisions about pregnancy that it could very likely be considered unconstitutional.

The second amendment I attempted to offer would have created an exception to protect women from severe long lasting health damage. This amendment is supported by the American Congress of Obstetricians and Gynecologists. Every year, 10–15 million women suffer severe or long-lasting damage to their health during pregnancy, including but not limited to lung disease, heart disease diabetes, and loss of reproductive ability. H.R. 3 only considered a woman's health when she is faced with death, but provides no protection for women who face serious health consequences from continuing a pregnancy. Congress should not be in the business of interfering with a woman's health, nor should we ever single out women who choose not to endure long-lasting health defects or diseases due to a pregnancy.

H.R. 3 would impose a great burden on a women like Tamara, a mother of 3 who had been diagnosed with cervical cancer and found out she was pregnant. She was faced with the difficult choice of carrying the pregnancy to term and risking her own health or terminating the pregnancy to receive treatment for her cancer.

H.R. 3 would impose a great burden on women like Holly from my state of Texas, a mother of two who suffered from a serious illness affecting her liver. Treatment for her liver would pose a threat to her pregnancy.

H.R. 3 goes to new lengths by effectively using the tax code to impede upon a woman's right to choose and essentially penalize individuals for even carrying health insurance that covers abortions.

It imposes an unprecedented penalty on anyone who spends their own money to pay for abortion, or in many cases, those who use their own money for insurance that will cover abortion if needed.

H.R. 3 will actually impose a tax increase on many Americans—across all races, all classes, and all socioeconomic levels. It increases taxes on women, families, and businesses by denying them the normal tax exemptions and credits for health insurance if they choose a policy that provides abortion coverage. This unprecedented penalty is a radical restriction on a lawful and constitutionally protected medical procedure. It will result in a tax increase on anyone who uses their own money to pay for abortion or, in many cases, insurance that would cover abortion.

Furthermore, the Bill puts the IRS into the middle of private and personal decisions by families. The result of this bill would also be that the IRS would be required to use the tools currently available as part of its tax enforcement duties, including the IRS's ability to audit taxpayers, to determine whether tax benefits had properly or improperly been claimed with respect to expenses related to abortion services. Family planning decisions, which are amongst the most personal and private decisions many people face, are subject to scrutiny by the IRS for tax purposes.

H.R. 3 does not merely codify existing protections for so-called rights of conscience. H.R. 3 rejects the even-handed approach taken since 1973 in the Church Amendment, which protects the religious or moral beliefs of those who provide, or refuse to provide, abortion services.

Furthermore, it takes the more-recent Weldon Amendment approach, which allows a large universe of entities to refuse abortion services for any—or no reason whatsoever. Unlike the Church Amendment approach, H.R. 3 protects only those who refuse to provide abortion services, and makes that one-sided protection permanent for all laws by providing a completely new private cause of action. It does nothing to protect those entities that do offer abortions.

The conscience rights of those who provide services, and not just those who refuse, deserve equal respect and recognition. Americans rights of conscience should not be protected only if they accord with the views of the Members of Congress; they should be protected regardless of what lawmakers' personal beliefs are.

Instead of Bringing Up Bills to Create Jobs, Republicans Are Pursuing An Extreme and Divisive Agenda. Today, the House will consider H.R. 3, Restricting Women's Access to Full Range of Health Care Services. Americans want us to work together to create jobs and move the country forward. This bill would do exactly the opposite—move our country backwards in an attempt to re-litigate a divisive issue.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong opposition to the so-called and sorely mislabeled ''No Taxpayer Funding for Abortion Act.''

This bill is a hoax as Federal law currently prohibits the use of taxpayer money on abortion services. The legislation would effectively prevent millions of American women from using their own private money to purchase an insurance plan that includes coverage of abortions—whether it is private insurance or an insurance plan in the Health Insurance Exchanges. In addition, small businesses would not be allowed to take advantage of tax credits if it provided comprehensive health care coverage to its employees. This is a dramatic break with the current practice where most insurance plans provide for such coverage for individuals who choose such plans.

A woman's right to choose her own health care is a fundamental one, and the Congress should not tell women how to manage their health or reproductive care. Sadly, the legislation we're considering today will do just that and severely jeopardize women's access to health care.

Madam Speaker, I urge my colleagues to reject this misguided bill because it would effectively prohibit individuals from using their own money to purchase insurance plans offering comprehensive health care coverage. Instead, I urge the Republican majority to focus on an agenda that will create jobs, help America's middle class families, and move our country forward.

Mr. BOSWELL. Madam Speaker, I rise today to oppose this legislation and to focus on the importance of the health of the many women in my district and across our nation.

I stand against H.R. 3, because I believe that a woman deserves the same respect as a man. She deserves this respect as an employee, a wife, a mother, a sister, simply just for her humanity. And that respect must be real and must include important matters like access to health care.

During the 111th Congress, we made it illegal for insurance companies to charge a woman a higher premium just because she is

female. We did this because to do anything else is blatant discrimination.

Yet here we are today, with a bill that would circumvent the very discrimination we stopped and would direct the Internal Revenue Service to tax a woman based on her health needs, just because her needs are different from that of a man.

Even worse, at this critical time in our economy, we are now going to tax any business that provides comprehensive health care to a woman.

So, instead of fighting for the most critical need of our nation right now, job creation, H.R. 3 picks a fight with a woman and her employer.

Why do any one of us seek to have health insurance? We choose to have health insurance in order to plan for the unforeseeable, the unknown, those emergencies that arise and for which no one can plan. No one plans to have cancer, but many Americans do. Health insurance is how each of us protects ourselves against the unknown.

This legislation says that a woman—with her own money—cannot have comprehensive health insurance without a penalty. It creates a new barrier to access to care, and puts in place a system of discrimination, backed by statute in the United States Tax Code.

For my colleagues who argue that this is to reduce the rate of abortion services, it will not. The facts show otherwise.

Access to family planning services is what reduces the need for abortion services. It is family planning services that have proven to cut the rate of abortion by more than 200,000 per year and reduce unintended pregnancies by more than 600,000 per year.

This bill was titled the ''No Taxpayer Funding for Abortion Act,'' but it reads more like a ''Tax our Daughters Act.''

Stop this boldfaced attack on American women. Let us instead provide them with jobs and a fair paycheck.

Vote against H.R. 3. Show the women of your district, and your family, that you respect them.

Ms. DEGETTE. I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. LUMMIS). All time for debate has expired.

Pursuant to House Resolution 237, the previous question is ordered on the bill, as amended.

Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 3 is postponed.

REPEALING MANDATORY FUNDING FOR SCHOOL HEALTH CENTER CONSTRUCTION

The SPEAKER pro tempore. Pursuant to House Resolution 236 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1214.

□ 1525

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction, with Mrs. MYRICK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, May 3, 2011, a request for a recorded vote on amendment No. 2 printed in the CONGRESSIONAL RECORD, offered by the gentleman from New Jersey (Mr. PALLONE), had been postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. JACKSON LEE of Texas.

Amendment No. 2 by Mr. PALLONE of New Jersey.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 218, not voting 7, as follows:

[Roll No. 287]

AYES—207

Ackerman
Andrews
Austria
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Burgess
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duffy
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gibson
Gingrey (GA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hanna
Harris
Hastings (FL)
Heinrich
Heller
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kline
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth
Young (IN)

NOES—218

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Dreier
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster

Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Walberg
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)

NOT VOTING—7

Bilbray
Bilirakis
Emerson
Giffords
Johnson, Sam
Wasserman Schultz
Young (AK)

□ 1554

Mr. PALAZZO, Ms. GRANGER, and Messrs. DENHAM, MARINO and COSTA changed their vote from ''aye'' to ''no.''

Ms. PINGREE of Maine, Mr. UPTON, Ms. RICHARDSON, and Messrs. DOYLE, CRITZ, BISHOP of Georgia, ISSA, SHULER and YOUNG of Indiana changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The Acting CHAIR (Mr. KINZINGER of Illinois). The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the Committee now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and of all who serve in our Armed Forces and their families.

AMENDMENT NO. 2 OFFERED BY MR. PALLONE

The Acting CHAIR (Mrs. MYRICK). Without objection, 5-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 210, not voting 17, as follows:

[Roll No. 288]

AYES—205

Ackerman
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Burgess
Butterfield
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Hastings (FL)
Heinrich
Heller
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Olver
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rigell
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (TX)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Tsongas
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Waters
Watt
Waxman
Weiner
Welch
Whitfield
Wilson (FL)
Wittman
Woolsey
Wu
Yarmuth

NOES—210

Adams
Aderholt
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Labrador
Lamborn
Landry
Lankford
Latham
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Walberg
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—17

Akin
Bilbray
Bilirakis
Crowley
DeFazio
Ellison
Emerson
Fincher
Frelinghuysen
Giffords
Johnson, Sam
Neal
Nunnelee
Paul
Towns
Wasserman Schultz
Young (AK)

□ 1603

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FINCHER. Madam Chair, on rollcall No. 288, I was unavoidably detained. Had I been present, I would have voted "no."

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. FOXX) having assumed the chair, Mrs. MYRICK, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction, and, pursuant to House Resolution 236, reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

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

MOTION TO RECOMMIT

Mrs. MCCARTHY of New York. Madam Speaker, I have a motion to recommit at the desk.

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

Mrs. MCCARTHY of New York. I am, in its current form.

Mr. BURGESS. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. MCCARTHY of New York moves to recommit the bill H.R. 1214 to the Committee

on Energy and Commerce with instructions to report the same to the House forthwith with the following amendment:

In section 1, add at the end the following:

(c) PUBLICATION OF NAMES AND LOCATIONS OF APPLICANTS WHO WILL NOT RECEIVE GRANTS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall publish on the public Website of the Department of Health and Human Services the names and locations of each school-based health center or sponsoring facility that has an application for a grant under section 4101(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 280h–4) pending at the time of the repeal of such section 4101(a) by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York is recognized for 5 minutes in support of her motion.

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to offer a motion to recommit to this misguided bill.

It is important to note that this motion is simply a final amendment to the bill and will not kill the bill as the majority may claim.

School-based health centers are on the front lines of preventative care, and preventative care saves lives and saves money, and school-based centers are on the front lines of preventative care.

As a nurse for over 30 years, I know that prevention can keep people out of the emergency rooms that taxpayers help fund, and it keeps them from needing expensive procedures and medicines that drive up insurance costs.

Patients seen at school-based centers, for example, cost Medicaid an average of $30 less than comparable non-school-based health center patients. School-based health centers play an important role in treating sports concussions and halting the spread of infectious diseases like the flu.

School-based centers also have a positive effect on our educational system. They have been shown to increase academic performance and reduce absenteeism. For example, a recent study found that students who use high school health centers had a 50 percent reduction in absenteeism and 25 percent reduction in lateness. Many students also increased their grade point averages over time compared to students who did not use school-based health centers.

Finally, the sad fact is sometimes these centers are a student's only source of health care. So, we are faced today with legislation that attacks the preventative health care work done by our school-based health centers. H.R. 1214 is an upsetting piece of legislation, but that's not surprising at all. After all, this bill is coming from the same conference that just voted to end Medicare as we know it.

Both the Republican budget and this legislation today are penny-wise and pound-foolish approaches that cut preventative care for those Americans who need it the most. And the worst common denominator? Both measures go against the most honorable Americans: the elderly and the children. The Republican majority passed a reckless budget before the recess, and they are poised to pass this reckless piece of legislation today.

I offer this motion to recommit today to highlight the terrible impacts of the Republican approach in this legislation. This motion to recommit is simply, again, a final amendment and will not kill the bill.

My motion to recommit requires the names and locations of each school-based health center that has applied for a grant under the program that the Republican Party would end today be posted on a publicly available Web site.

□ 1610

This way, we will be able to all see very clearly the damage that this Republican proposal will cause.

Like many of my colleagues, a school-based health center in my district would be denied funding under this bill. One of my hospitals in my district, Winthrop University Hospital, has been partnering with Hempstead High School to run a school-based health center. This school-based health center has 1,500 students enrolled and has 6,000 visits from students each year.

Winthrop University's partnership operates in one of my most underserved communities. About 50 percent of students who use this school-based health center are uninsured. Let me say that again: Nearly half of all students who use this health center are uninsured. Hempstead High School is the only access to medical care that they have. The grant that this center applied for will help them serve this population who has nowhere else to turn. I am going to stand with those students and their families and protect the Winthrop-Hempstead High School health center. I hope that other Members will choose to stand with their constituents as well.

Should this bill become law, those Members who voted for this bill will have to answer to their communities who would have a vital link to health care cut off. I should also note some misinformation that's being spread by the supporters of H.R. 1214. They claim that these grants aren't needed because they are readily available in other sources, but that's not true. The evidence is that SBHC construction and renovation needs have not been met through other funding. My colleagues across the aisle also claim that construction funds would be provided to centers that aren't sustainable. That's also not true. Guidelines have been developed by the Health Resources and Services Administration to ensure that no construction funds will be provided to any school-based health center that cannot document that they are sustainable now and into the future.

As I said, ladies and gentlemen, school-based health centers work. They keep our young people healthy and successful in school, and they do it in a way that saves our taxpayers money. It is just common sense to support school-based centers. Again, this amendment will not kill the bill. This motion to recommit is simply a final amendment to the bill that will provide transparency to the process. I urge all Members to support this motion to recommit.

I yield back the balance of my time.

Mr. BURGESS. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. Does the gentleman continue to reserve his point of order?

Mr. BURGESS. I will withdraw my reservation.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Texas is recognized for 5 minutes.

Mr. BURGESS. It's an interesting little motion to recommit, described as being benign and not changing the overall nature of the underlying legislation. So benign is the motion to recommit that it descends into the realm of being superfluous and unnecessary. It is a motion to recommit to publish the names and locations of applicants who will not receive grants.

Now, look, just from this, we won't know if those grants that were not approved were just simply poorly drafted. We already have a health care law that was poorly drafted, so we know it is within the realm of someone working in the Federal Government to poorly draft an application for a school-based clinic.

Washington's addiction to spending has become crystal clear to the American people, and the passage of this massive health care law by President Obama last year is exhibit A. Of the thousands of problems in the Patient Protection and Affordable Care Act, the underlying bill, H.R. 1214, addresses but one of them and a very small one at that. The Patient Protection and Affordable Care Act provides $200 million in mandatory funding for the construction of school-based health centers. The bill eliminates this funding as our Nation faces a mounting deficit and debt crisis.

Funding for school-based health center construction may be a good idea. Maybe it's not a good idea. Maybe we should have that debate, which we didn't in the run-up to the passage of this bill. But the 111th Congress, the last Congress, did not think about it before they threw literally $200 million at the program.

And, Madam Speaker, I would just point out, out of all of the so-called ''cut'' bills that are to remove the advanced appropriations in the Patient Protection and Affordable Care Act, out of all of those bills that remove advanced appropriations, it is this small little bill that has not drawn a veto threat from the White House. Madam Speaker, that leads me to believe that

the President himself was embarrassed about the language that was included in the bill on this point; and the White House, now recognizing that, is not about to go out on a limb and issue a veto threat against this bill.

The motion to recommit, brought forward by the other side, shows they simply do not realize that we have a spending problem in Washington, D.C. Congress should examine if there is a need for a program, and through regular order, rather than rushing to authorize or appropriate dollars in a feel-good piece of legislation. We hear about standing with the American families. How about standing with those American families that actually pay taxes to the Federal Government for a change?

I urge my colleagues to vote ''no'' on the motion to recommit, ''yes'' on the underlying bill. Let's get our fiscal house back in order.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask all Members to avoid trafficking the well while another Member is under recognition.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mrs. MCCARTHY of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 180, noes 230, not voting 22, as follows:

[Roll No. 289]

AYES—180

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

NOES—230

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

NOT VOTING—22

Bilbray
Bilirakis
Brady (TX)
Cantor
Clyburn
Dreier
Emerson
Giffords
Hensarling
Herrera Beutler
Johnson, Sam
McCarthy (CA)
McMorris Rodgers
Noem
Peterson
Price (GA)
Roskam
Ross (FL)
Scott (SC)
Sessions
Walden
Wasserman Schultz

□ 1634

Ms. SPEIER changed her vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROSS of Florida. Madam Speaker, on rollcall No. 289, I was unavoidably detained. Had I been present, I would have voted ''no.''

Mr. BRADY of Texas. Madam Speaker, on rollcall, No. 289, I inadvertently was detained. Had I been present, I would have voted ''no.''

Mr. WALDEN. Madam Speaker, on rollcall No. 289, I was detained in a bicameral leadership meeting with the Speaker. Had I been present, I would have voted ''no.''

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. WAXMAN. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 191, not voting 6, as follows:

[Roll No. 290]

AYES—235

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)

Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—191

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

NOT VOTING—6

Bilbray
Bilirakis
Emerson
Giffords
Johnson, Sam
Wasserman Schultz

□ 1641

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NO TAXPAYER FUNDING FOR ABORTION ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, consideration of the bill (H.R. 3) to prohibit taxpayer funded abortions and to provide for conscience protections, and for other purposes, will now resume.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Ms. SPEIER. Madam Speaker, I have a motion to recommit at the desk.

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

Ms. SPEIER. I am opposed to the bill.

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

The Clerk read as follows:

Ms. Speier moves to recommit the bill H.R. 3 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendments.

Page 8, after the matter following line 5, insert the following:

SEC. 103. PROTECTION OF PRIVATE MEDICAL RECORDS OF VICTIMS OF RAPE AND INCEST.

Nothing in this title or the amendments made by this title shall be construed to permit the Federal Government to gain access to the private medical records of the victims of rape and incest.

On the first page, in the matter following line 5, insert after the item relating to section 102 the following:

Sec. 103. Protection of private medical records of victims of rape and incest.

Mr. FRANKS of Arizona. Madam Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to the rule, the gentlewoman from California is recognized for 5 minutes in support of her motion.

Ms. SPEIER. Madam Speaker, at the outset, let me say the following:

As a member of the Democratic Caucus, there have been times in the past when I have supported Republican motions to recommit. I have done it a number of times, I confess. I am speaking to my Republican colleagues this afternoon, seeking to ask you to do the same, because this particular motion is very simple, very clear. It will not prevent the passage of the underlying bill. If it is adopted, it will be incorporated in the bill, and the bill will be immediately voted upon.

So what does it do?

It is about what every one of us cares about, and that is privacy. Americans believe in privacy. Justice Brandeis once said in a court opinion, ''Every American has the right to be left alone.'' This is something we can all agree on.

My motion would simply prohibit Federal agents from accessing a woman's health or other medical records because she was a victim of rape or incest. Now, that's pretty simple. If you're a victim of rape or incest, no Federal agency or agent will be able to access your medical records in order to prove that you, in fact, were raped or were a victim of incest.

Both the Hyde Amendment and this legislation specifically create exceptions for victims of these crimes. The underlying bill would create an exception to the exception. It actually revictimizes the victims of rape and incest by requiring them to relive their horror. Rape kits could be examined. Confidential medical records could be breached.

How can we possibly ask a woman who has suffered an horrific crime to now face scrutiny by an IRS audit? Think about it. Is that what we want? Do we want women who have been victims of rape and incest to have IRS agents knocking on their doors to determine whether or not they really have been raped or have been victims of incest? We should be treating these victims like victims and not like criminals. Medical privacy is a longstanding and protected right for every American. Why should the right be forfeited because you are a victim of rape or incest?

Let me say it one more time: Passage of this motion will not prevent passage of the bill. If it is adopted, it will be incorporated in the bill, and the bill will be taken up immediately.

Madam Speaker, last month, I received a call from a woman who was raped while serving in the United States Navy. Sometimes we get wrapped up in the words and forget about the real lives we're talking about. This member of the Navy was raped, beaten savagely and left for dead in her quarters. She was later informed that she was pregnant, and opted to have an abortion. Does anyone here believe that this woman who volunteered to serve our country should be subject to an audit by the IRS? This particular

Navy serviceperson has since been diagnosed with Post-Traumatic Stress Disorder, and has attempted suicide more than once.

This is a real-life story of an American in uniform, fighting for our freedom. We should not use the Tax Code to force women like her to relive their ordeals to an IRS agent. Privacy is a fundamental right, and this motion would ensure that the most vulnerable in our society have access to it. The underlying bill would potentially unleash IRS audits on rape victims—and that, my friends, is a disgrace.

Let me be clear one more time: Passage of this motion will not prevent passage of the underlying bill.

So, though we may disagree on the bill and on the issue of abortion rights in general, today we have the opportunity to speak with one voice to protect the privacy of victims of rape and incest. It is really up to us. I urge everyone to vote ''yes'' on this motion to recommit.

I yield back the balance of my time.

□ 1650

Mr. FRANKS of Arizona. Madam Speaker, I withdraw my reservation, and I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I rise in opposition to this motion to recommit. The amendment supposes that the bill does something that it doesn't do. Nothing in this bill allows the IRS any greater access to health information than they have ever had. HIPAA is still in place. This is simply an amendment looking for a problem that isn't there.

Madam Speaker, well over a dozen weakening amendments to this bill were offered at the Judiciary Committee and the committee carefully considered and, frankly, dismissed most of those amendments. Likewise, opponents had a second opportunity to challenge the bill in the Ways and Means Committee, and the product is the bill before us.

I have heard so much incorrect information about the bill, Madam Speaker. I would like to say to you that when the gentlelady speaks of the most vulnerable among us, I would simply say that before the sun sets today in America, 4,000 unborn children will die of abortion on demand, and in every case a nameless little baby will die a tragic and lonely death, a mother will never be quite the same, and all the gifts that child might have brought to humanity will be lost forever.

I would like to tell you that this bill does something to prevent that same thing from happening tomorrow, but it doesn't. Madam Speaker, this bill simply says that taxpayers in the future will no longer have to pay for or worry about their taxpayer dollars being used for that purpose. And whatever red herrings we may have heard from the opponents today, this bill does nothing more than require that abortion funding remain in the private sphere and outside the reach of government's coercive power.

The bill is a very simple piece of legislation without the complexity that it has been reputed to have. I would encourage all Americans to take a look at the underlying legislation so that you can see for yourself that this bill has no need of this motion to recommit.

Unlike the ObamaCare bill, this piece of simple legislation is only a few pages long and is easily understandable. The new majority writes its bills this way on purpose so that Members and the American people can be confident that this body is in fact carrying out the will of the people. That is exactly what this bill does, Madam Speaker, and I urge my colleagues to oppose this motion to recommit.

Mr. CAMP. Will the gentleman yield?

Mr. FRANKS of Arizona. I yield to the gentleman from Michigan.

Mr. CAMP. I just want to instruct the House, on this motion to recommit, it only affects title I of the bill. All of the tax provisions are in title II of the bill. So this does not affect any of the tax provisions in the legislation.

Mr. FRANKS of Arizona. Madam Speaker, what he said.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Ms. SPEIER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 192, noes 235, not voting 5, as follows:

[Roll No. 291]

AYES—192

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

NOES—235

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts

Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—5

Bilbray
Bilirakis
Emerson
Giffords
Johnson, Sam

□ 1713

Messrs. PAUL and PLATTS changed their vote from ''aye'' to ''no.''

Ms. SEWELL and Mr. JONES changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. DEGETTE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 251, noes 175, not voting 6, as follows:

[Roll No. 292]

AYES—251

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

NOES—175

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

NOT VOTING—6

Bilbray
Bilirakis
Emerson
Giffords
Johnson, Sam
Petri

□ 1720

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. WESTMORELAND. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mrs. MYRICK). Is there objection to the request of the gentleman from Georgia?

There was no objection.

SOUTHERN STORMS

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

Mr. ROE of Tennessee. Madam Speaker, I rise today to pay tribute to all those affected by the devastating storms that ripped through Tennessee and 12 other States last week. My thoughts and prayers are with the families who lost loved ones and with those that must rebuild their lives after this terrible natural disaster.

Just as the people of Tennessee came together following last year's floods, we will do so again. With heavy hearts, we will overcome our great loss with greater strength and a renewed sense of community.

I would also like to extend my heartfelt thanks to all of the volunteers and rescue workers involved in the disaster relief efforts. Even in dark hours, the efforts of Americans like these should give all of us cause to hope.

In the days ahead, we will work together to ensure that our communities have the resources needed to rebuild. I have complete faith that we will emerge stronger and better than ever before.

Madam Speaker, my prayers go to those family members in our State and others who have lost loved ones. It's a terrible, terrible tragedy.

HONORING WILLIAM ''BILL'' SCHULTZ

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

Mr. TONKO. Mr. Speaker, I rise today to honor William ''Bill'' Schultz.

Bill is an educator who has dedicated over three decades, specifically 34 years, to teaching in Maine, New Hampshire, and New York. Upon retirement, he has dedicated his energies and talents to other retirees.

Bill was a leader in the labor movement and served two terms as president of the Niskayuna Teachers Association in my congressional district. Serving 8 years as president of Retiree Council 12 of the New York State United Teachers Association, Bill was influential in organizing the council.

Bill's leadership, dedication, compassion, and knowledge have had a profound influence on the lives of the students he has taught, the retirees for which he has advocated, and the friends he has made along the way.

In 1921, John Cotton Dana said, ''Who dares to teach must never cease to learn.'' It is in this spirit that Bill will be honored later this month.

I commend and congratulate him on all his efforts and hope his service and dedication can stand as a model and inspiration for countless others. After all, our future and our children's future are only as good as those who teach them.

HONORING THE LIFE OF HAROLD J. SCHNITZER

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

Mr. BLUMENAUER. I rise today in honor of the long and productive life of Harold J. Schnitzer.

Harold was a skilled businessman who, together with his wife, Arlene Director Schnitzer, established and later with his son, Jordan, grew one of the largest privately owned real estate companies in the western United States. But this quiet, thoughtful, modest man was a civic leader, a philanthropist for the arts, education, and culture in Oregon.

I personally experienced his kindness to a young man interested in public service. He continued to be generous with his opinions and advice, a story I know was repeated many times. His important contributions to our community will be enjoyed for generations to come.

We honor his life, even as we mourn his passing, and extend our condolences to his wife of 62 years, Arlene, his son, Jordan, his extended family, and countless friends.

HAROLD SCHNITZER OBITUARY

Schnitzer, Harold J. 87 June 08, 1923 April 27, 2011 Harold J. Schnitzer, businessman, philanthropist, and civic leader, passed away early Wednesday morning, April 27, 2011, in Portland, at age 87, from complications of cancer and diabetes. He was born June 8, 1923, in Portland, growing up in S.W. Portland where he attended Shattuck Elementary School and Lincoln High School. He earned a Bachelor of Science in metallurgy from the Massachusetts Institute of Technology in 1944 and, immediately thereafter, served in the U.S. Army until his discharge in 1947. Upon returning to Portland he joined his brothers in the family scrap and steel business, working alongside them until 1950, at which time he left and founded Harsch Investment Properties, a leading diversified owner and operator of industrial, office, retail and multi-family properties in five Western states. He served as President and Chairman of the Board for two decades before being joined by his son Jordan in 1970, who now serves as President. Together they grew the company into one of the largest, privately held real estate companies in the Western United States. Throughout his life he focused on three things: family, the business and his community. Harold learned early on from his parents, Sam and Rose Schnitzer, who immigrated to the United States in the early 1900s, the responsibility of making a difference with his life. They taught him and his siblings, Manuel, Morris, Mollie, Edith, Gilbert and Leonard, the importance of giving back to your community. In 1949 he met and married Arlene Director, daughter of family friends, Simon and Helen Director. Married for 62 years, they were lifelong partners in business, the arts and philanthropy. Their son, Jordan, was born in 1951. Over a career of 60 years there have been hundreds of organizations and causes that have benefited from his leadership and financial support. Harold served on the board of Lewis & Clark College for 16 years, a Life Trustee since 1995. His service to the Portland Art Museum spanned 21 years, ultimately as Chairman of the Board from 1997 to 2001, during which time a major expansion resulted in the opening of the Mark Building. He and Arlene are especially proud of establishing the Center for Northwest Art, and a curatorial and awards program. They also were major collectors of Han and pre-Han ceramics that led to establishing the Arlene and Harold Schnitzer Collection of Early Chinese Art. They gifted a number of works from the collection to the Portland Art Museum along with endowing the position of Curator of Asian Art. Harold and Arlene have also been strong supporters of arts and cultural institutions in both the Bay Area and Palm Springs, where they have residences. More recently Harold provided the lead gift establishing the Harold Schnitzer Diabetes Health Center at OHSU in 2007, one of only ten centers in the nation treating children and adults, and the only one on the West Coast. A diabetic since his early 40s, he valued good health care and appreciated its connection to the quality and longevity of life. The Center is his expression of helping others in their struggle with diabetes. Harold valued family and philanthropy that extended to Portland, the State of Oregon and the Pacific Northwest. He served as chairman of multiple capital and building campaigns for Portland's Jewish Community that led to the establishment of the Mittleman Jewish Community Center, and facilities for Congregation Shaarie Torah and Congregation Beth Israel, both of which he remained as a member until his death. Harold was always interested in ensuring that young people have the same educational opportunities that he had. He believed that with education comes greater appreciation of one another's differences and increased tolerance. He had a lifelong interest in funding scholarships and educational grants, and that ultimately led to him establishing Judaic studies programs at both the University of Oregon and Portland State University. Harold served the City of Portland on a variety of projects including the development of the Portland Center for the Performing Arts. Because of his leadership and philanthropy, the city named its symphony hall, the Arlene Schnitzer Concert Hall, in honor of his wife, Arlene. He has been honored by numerous civic organizations regionally and nationally in partnership with his wife Arlene including the following: Doctor of Humane Letters, Portland State University, 2004; Distinguished Service Award, University of Oregon, 2001; Aubrey Watzek Award, Lewis & Clark College, 2000; Arts Breakfast of Champions Honoree, NW Business for Culture and the Arts, 1997; Portland First Citizen Award, Portland Metropolitan Association of Realtors, 1995; SAFECO Art Leadership Award, ArtFair/Seattle, 1994; Distinguished Service Award, United Jewish Appeal, 1966–1967; and the Outstanding Philanthropist Award, National Society of Fundraising Executives, 1996. He is this year's honoree of the Juvenile Diabetes Research Foundation to be celebrated Saturday, April 30, 2011. Also in April, the faculty of the Pacific Northwest College of Art voted to award honorary doctorate degrees to both Harold and Arlene. Harold is survived by his wife, Arlene; son, Jordan; granddaughters, Arielle and Audria; brother, Gilbert of the Bay Area, Calif.; sister Mollie of Beverly Hills, Calif.; and numerous nieces and nephews. Even during the last days of his life he was still working and planning on how to make life better for everyone else around him. Therefore, in lieu of flowers and to honor his memory, the family suggests that contributions maybe made to the Harold Schnitzer Diabetes Health Center at OHSU; the Portland Art Museum; at either of two Judaic studies programs at the University of Oregon or Portland State University, or to the charity of your choice. A memorial service will be at 4 p.m. Wednesday, May 11, 2011, at Congregation Beth Israel, 1972 N.W. Flanders St., Portland, with a reception to follow at 5:30 p.m. at the Portland Art Museum, Mark Building, 1219 S.W. Park Ave., Portland.

IT'S TIME TO GET FOXES OUT OF THE HENHOUSE

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

Mr. GOHMERT. Mr. Speaker, we had a hearing yesterday in the Judiciary Committee. The Attorney General of the United States came before us, and one of the things we discussed was the fact that in 2008, toward the end of the year, there was the biggest, most important terrorist funding case that was ever tried, conviction of all five defendants on 108 counts, and now this administration has dismissed and is not going to pursue the evidence that the trial judge said was there to make a prima facie case against the coconspirators.

Instead, you can go to the White House Web site and find that their deputy national security adviser is thanking the president of the Islamic Society of North America, which was one of the unindicted coconspirators, for his wonderful help in the White House and his great prayer he gave the year before.

It's time to get foxes out of the henhouse. Let's hold people responsible who want to destroy our way of life.

NO TAXPAYER FUNDING FOR ABORTION ACT

(Mr. SMITH of New Jersey asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to just thank my colleagues for voting so overwhelmingly for H.R. 3, the No Taxpayer Funding for Abortion Act.

America today is solemnly pro-life and the trend line tangibly improves by the year. On public funding, a supermajority of well over 60 percent oppose public funding of abortion. Clearly, Americans get it. There is nothing compassionate, benign, or nurturing about abortion. Abortion methods, the actual deed of dismemberment, chemical poisoning or suction is an act of violence against children.

Abortion also hurts women. Earlier today in the Capitol, we heard from Nancy Tanner, a woman from Silent No More Awareness Campaign, who eloquently urged passage of H.R. 3. Ms. Tanner spoke of her abortion and the emotional agony that she has endured and noted that well over 10,000 women have come forward and now have spoken out publicly against abortion. Each and every one of those women have had at least one abortion themselves, and they talk of the ongoing and enduring agony of that abortion.

I want to, again, thank my colleagues for supporting the No Taxpayer Funding for Abortion Act.

ALL-OF-THE-ABOVE ENERGY

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

Mr. PRICE of Georgia. Mr. Speaker, when I drove to the airport to come out here this week, I recognized that gasoline was at $3.86 a gallon in my district, and the last time we got to these levels was almost 2½, 3 years ago in the summer of 2008.

And we, at that time, came up with an all-of-the-above energy plan, a plan that recognizes that what we need to do is expand production in the United States. We need to concentrate on conservation. We need to incentivize new forms of energy. But first and foremost, in order to get us over the bridge, we need to make certain that we utilize responsibly resources that have been given to this great country by our Creator.

We need offshore exploration, onshore exploration, clean coal technology, oil shale, all of the things that the American people know will decrease not just the price of gasoline but will decrease our reliance on foreign oil and make this country safer and the world safer.

Let's get to work on an all-of-the-above energy plan on behalf of the American people.

□ 1730

RISING GAS PRICES

The SPEAKER pro tempore (Mr. FINCHER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. BROUN) is recognized for 60 minutes as the designee of the majority leader.

Mr. BROUN of Georgia. Mr. Speaker, unfortunately in what has become a time-honored tradition, the President and my Democratic colleagues that are here in Congress find it more convenient and politically expedient to make targets of energy companies. These are companies who invest their own capital and resources to increase our country's energy supply and the security of our Nation. They want nothing more than to operate in a free market environment without excessive government regulations.

However, in a move to deflect the spotlight from this administration's own failings and the Democrat Party's own failings and their incompetent policies, this administration and many in Congress find it easier to attack the success of the energy companies than to actually confront the challenges that we face, often espousing policies to increase government interference in the marketplace that do more harm than good.

Recently, companies like Koch Industries, which employs more than 10,000 people in my home State of Georgia, contributing more than $700 million to our State's economy, along with tens of millions in community and environmental philanthropic efforts, have come under attack by several Democrats in this body and this administration just because Koch's work provides for an easy red meat target to throw to their radical environmental friends. It's also a sad state of affairs when other energy companies actually post a positive profit report, even though most of these profits go back into more energy exploration as well as clean energy development. I'm also sure that you won't hear many attacks on how those profits help boost the retirement accounts of millions of Americans and put more into our struggling economy than any government stimulus program has or could.

According to the new Washington Post/ABC News survey out today, more than seven in 10 Americans are suffering financial hardship from the skyrocketing gas prices. In fact, we've got a chart here tonight, the first one in a series. This is the gas price, the average retail price in America when Barack Obama took office. The average price at that time was $1.84 per gallon just as recently as January of 2009, a little over 2 years ago. Look what's happened. As of April 25 of this year, the average price per gallon was $3.88. The average price 2 years ago was $1.84; now it is $3.88, $2 higher, over twice. It's over double in just a 2-year period of time.

Gas prices don't just affect the price at the pump. I was talking to a Member just a few minutes ago. She was telling me that she just fueled her pickup truck, and it cost her over $100 to fill the gas tank of her pickup truck. She and her husband own a ranch. They are active ranchers out west. Never before has she had to pay $100 to fill the tank of her vehicle, and I filled the tank of mine, and it was almost $90 in my GMC Yukon that I've used to make house calls as a medical doctor. This is unsustainable.

Our gas prices impact our grocery bills, job opportunities, travel plans, and thousands of other decisions that businesses and families make. In fact, according to an analyst from Cameron Hanover, every penny increase in the price of gas costs consumers, American citizens, consumers, more than $4 million per day. A one-penny increase costs consumers over $4 million per day. And, folks, who are hurt the most by this? The people who are hurt the most are poor people and people who are on limited incomes, our senior citizens.

As the cost of fuel and gas and oil go up because of the misplaced policies of this administration, this winter, fuel prices are going to be out of the roof. In fact, the President said while we were talking about his cap-and-trade bill not long ago, he said that energy prices, to use the President's words, ''would necessarily skyrocket'' for his policies. ''Necessarily skyrocket.'' Under President Obama, the cost of energy has skyrocketed. That's what he has said in a national speech.

The national average price of gasoline, as I just mentioned, was $1.84 when President Obama took office. Today it is $3.96. Rising gasoline prices are hurting families and small businesses. They are costing jobs. In fact, I just talked to a manager of a restaurant in my hometown of Athens, Georgia, just this last weekend. He was telling me that when he orders food for his restaurant, his suppliers are adding a fuel surcharge, a fuel surcharge onto the cost of groceries, food for his restaurant. That's happening in all the grocery stores, and that's happening all across this country. It's threatening our economy and our economic recovery.

While the new House majority is taking steps to address gas prices and help create jobs with the American Energy Initiative, the Obama administration's anti-energy policies are driving up prices, and they are threatening our economy by blocking American energy production. We have had a 16 percent decrease in American energy production under this administration. It is 16 percent lower than it was projected to be. Future projections show continued decreases in domestic production and more and more reliance upon foreign imports for our energy sources, particularly for gas and oil. We're getting those energy resources from countries that hate us, that hate our American free enterprise system, that hate the liberty we have here in this country.

More than a 200,000-barrel-per-day decrease in Gulf Coast energy production, this is according to the Energy Information Administration's March 2011

short-term energy outlook. Production from the Gulf of Mexico is expected to fall by 240,000 barrels per day in 2011 and a further 200,000 barrels per day in 2012. A reduction. And 27 billion barrels of oil are under lock and key in Alaska. According to a recent FOX News report, the EPA's refusal to grant permits for energy production in Alaska's Outer Continental Shelf has limited access to an estimated 27 billion barrels of oil. With Alaskan oil production already decreasing by 7 percent annually, continued delays could force the Trans-Alaska Pipeline to shut down.

□ 1740

What's that going to do to our cost of gasoline, heating oil, natural gas and all of our other energy sources? What's that going to do to the cost of food? It's all going to skyrocket.

More than 40 American energy projects have been stalled by this administration. As the House Natural Resources Committee notes, 10 months after the Obama administration's official moratorium on American energy ended, over 40 projects remain stalled, and people are left without work. This administration's energy policy is killing jobs in the Gulf Coast, as well as all over this country. We're sending American jobs overseas. Twelve rigs have already left the Gulf.

Before we change, let me go to this quote here from Michael Bromwich, the Chief Regulator of U.S. offshore drilling. Even if we permitted the hell out of everything tomorrow, every pending permit, some permits that haven't even been filed yet, it would not have a material effect on gas prices, Bromwich said. That's the simple, clear reality.

The simple clear truth, the simple truth is Michael Bromwich is absolutely wrong. And, in fact, as soon as the first drill bit starts hitting dirt or ocean floor, you will see oil prices plummet in this country, in my opinion. Why? Because OPEC will get a message that we're going to produce our own energy resources here in America.

Mr. Speaker, I submit any country that is not energy independent, if it cannot produce its own energy resources, if it cannot produce its own food and its own clothing, is not a secure Nation. And the American people need to know that we are not a secure Nation today, and it's because of policies of this administration that are making us less secure. We need to go in the opposite direction of the direction we're going today, that this administration's taking us.

According to James W. Noe, Executive Director of the Shallow Water Energy Security Coalition, at least 12 offshore rigs have already departed the Gulf of Mexico, resulting in a significant and precipitous reduction in domestic employment and energy production.

In January, the moratorium forced seven oil rigs to abandon the Gulf and head overseas, costing American jobs and forcing the U.S. to import more foreign oil. These rigs have left. You see where they've gone. Nigeria, Egypt, the Congo, Brazil, French Guyana. They won't be coming back. Thousands of American jobs left with them. In fact, as many as 12,000 American jobs have been lost, and more than 36,000 jobs are at risk.

I hear my Democrat colleagues talking about it's jobs, jobs, jobs. In fact, we heard that just today in the Science Committee. One of my Democratic colleagues talked about jobs are the number one issue. Well, she's absolutely right. But it's her party's policies that are running jobs overseas. It's this administration's policies that are making these rigs leave the Gulf of Mexico and go to Nigeria and Egypt and Congo and Brazil, French Guyana.

According to the study at Louisiana State University, monetary economist, Dr. Joseph Mason, the Obama administration's de facto ban, and it is a ban, he says he's lifted the moratorium but they're not putting out the permits. It's a de facto ban on American energy production, could cost as many as 24,532 jobs in the Gulf Coast and 36,137 jobs nationwide.

By the administration's own admission, the first 6 months of the official moratorium alone has resulted in as many as 12,000 American jobs have been lost. They're gone. They've left the Gulf Coast. They've gone to other areas. They've gone to produce energy, if you look at this chart, in the Middle East, in Africa, South America and Brazil.

In fact, the President just sent billions of dollars to Brazil for them to produce their energy and create Brazilian jobs at the cost of American energy and American jobs. It makes no sense, absolutely no sense.

Recently, in a trip to Brazil in March, President Obama pledged to help with technology and support to develop the Brazilian oil reserves so that America could become one of Brazil's, quoting Barack Obama himself, Brazil's best customers. He wants us to become Brazil's best customer.

How about those American jobs that he is killing and his administration is killing?

His Energy Secretary, Dr. Chu, a couple of years ago said, we have to find some way to make gasoline prices in America the same as they are in Europe. We'll talk about that in a bit, and remind the American people that the President himself said that energy prices under his policies that he's promoting would necessarily skyrocket. He wants Americans' energy prices to skyrocket, putting people out of jobs, costing all these thousands of jobs, costing our economy millions and millions and trillions of dollars in all probability eventually. Certainly billions.

He just gave a loan to Brazil, $2 billion to produce jobs and produce oil in Brazil instead of producing oil in the Gulf Coast and off Alaska. And his EPA just denied any production off Alaska. It makes no sense.

According to stories from the Gulf Coast residents shared at a recent Natural Resources Committee hearing, the President's policies already are helping make good on his pledge, with one offshore boat company employee reporting that his employer is sending 100 vessels overseas to Brazil to keep them working, Brazilians working. With those transfers go many American jobs.

This administration's policies are destroying jobs. The Democrat Party policies under the former Speaker, Ms. PELOSI, the Majority Leader in the Senate, HARRY REID, are destroying jobs, destroying our economy. And they want more of the same. They want more stimulus, more government, less American jobs in the private sector, less American energy production.

Mr. Speaker, the American people need to know very clearly, they need to know the simple truth. They deserve the truth; that the policies created by this administration, the policies created under the leadership of NANCY PELOSI and HARRY REID are building a bigger government but destroying our energy. They're building a bigger government, even higher prices for housing in Washington, D.C. to destroy jobs in the private sector all across the country. And their energy policies are going to harm the most vulnerable Americans, poor people, people on limited incomes, our senior citizens.

□ 1750

Recently, President Obama and Washington Democrats trotted out two blame-shifting strategies that Democrats have tried unsuccessfully to use in the past to deflect blame for their failed anti-energy policies.

Just last month, Democrats recycled their so-called ''use it or lose it'' argument that has already been debunked as nothing more than a hoax. It is political fodder that they are utilizing. And I have heard it in our Natural Resources Committee. I have heard it on the floor of the House. American people are sick and tired of this kind of political dialogue.

Americans are demanding all over this country, not only in the 10th District in Georgia, my district, not only in the State of Georgia, but Americans all over the country deserve for this Nation to be energy independent. They are crying out for energy independence.

The Carter administration established the Energy Department to make us energy independent as a Nation. The Department of Energy has failed miserably, failed miserably in that task, and has failed miserably in that task under both Democrat as well as Republican administrations.

Now, President Obama is trying to shift blame to oil speculators just as he did back in 2008. And this is in spite of the fact that, as Washington Post's Jennifer Rubin notes: It is the administration's own policies that are contributing to yet another drain on the wallets of average Americans.

The Washington Post has not been a particularly conservative newspaper that has promoted conservative policies. That is what Jennifer Rubin said: The administration's own policies are contributing to yet another drain on the wallets of average Americans. And she is absolutely correct in that assessment, and I commend her for saying so.

Earlier this month, the House passed the Energy Tax Prevention Act, H.R. 910, to stop the Obama administration from imposing a backdoor national energy tax that will further drive up gas prices. President Obama says he is going to veto that legislation, proving that he won't let skyrocketing gas prices get in the way of his administration's job-crushing anti-energy agenda regardless of the cost to American families and small businesses.

I have got a small business in the timber industry in Lincoln County, Georgia, and the owner of that business recently told me he parked all of his trucks because he cannot afford to put fuel in those trucks, and that has cost several jobs in Lincoln County. Lincoln County has an unemployment rate that is way, way higher than the national average. In fact, the State of Georgia's unemployment rate I think just recently was reported to be over 10 percent.

This administration's anti-energy policies are crushing jobs, crushing small businesses, crushing family budgets, and it is anti-American. House Republicans are making strong efforts to create jobs and lower fuel prices in this country.

Recently, CNN did a poll. They found that seven in ten Americans support increased offshore drilling for oil and gas—seven in ten. I wonder about the other three in those ten. Forty-five percent strongly favor.

Here is the question. They asked how Americans feel about increased drilling for oil and natural gas offshore U.S. borders, and here is how they responded: 45 percent said that they strongly favor us doing increased drilling for our own oil and gas in the gulf coast offshore, 24 percent mildly favor, 16 percent strongly oppose, and 15 percent mildly oppose.

Now, that 15 percent and 16 percent, I wonder if they have looked at their checkbook. I wonder if they have looked at the cost of bread and milk, cabbage and potatoes in their grocery store. Because the prices of those goods that we all depend upon when we go to the grocery store are markedly affected by the cost of gas and oil in this country.

Increasing American energy production will help create new jobs, and it addresses the rising gas prices. And Americans know it. The House is prepared to vote on legislation to boost offshore energy production.

As I said, seven in ten Americans support offshore drilling for our oil and natural gas. It belongs to us, it belongs to the American people, and we are being prohibited from tapping into that by this administration and the Democratic Party policy.

Implementing a comprehensive plan to build a more stable supply of petroleum from our own North American resources, along with reforms that end litigation, the endless litigation, and reveal policies that artificially inflate cost will provide immediate relief to the price of gasoline. The market knows that more energy means lower prices.

When President Bush removed the executive moratorium on offshore drilling in 2008, as a good example, crude oil futures by the speculators fell more than $9 almost immediately. It is not the speculators that are causing the rising cost of oil. It is not the speculators who are causing the rising cost to Americans when they go to fill their cars and pickup trucks. It is failed policies by the Obama administration, failed policies by NANCY PELOSI and HARRY REID and their cronies here in the House and in the Senate.

We can create good jobs. We can insulate the economy from energy price shocks by actively producing our own energy resources here in this country. And we can do that, we must do that, while we are good stewards of our environment, repealing Federal mandates and the prohibitions that artificially drive up the cost of gasoline and stopping the EPA's backdoor energy tax. They are trying to implement what I call tax-and-trade by EPA edict in a dictatorial manner when they could not pass that bill through Congress in the last Congress. And by halting the President's drilling permatorium, as some of us call it, it has been described, and unlocking our own energy resources that God has given us here in America both on- and offshore, all these will help alleviate the pain at the pump, the pain at the grocery store, the pain for every good and service, even the pain in the doctor's office and the pain of all the higher energy costs and the pain of all the increased costs of every good and service in this country.

□ 1800

Through the American Energy Initiative, House Republicans are actively working to increase American energy production in order to do a number of things: to lower the cost of gasoline, to create American jobs, to generate revenue to help reduce the debt and this deficit that's unsustainable, and to strengthen our national security by decreasing our dependence on foreign energy, particularly on foreign oil.

As I mentioned just a few minutes ago, I believe very firmly that, if a country is not energy independent, it is not a secure nation. We are not secure today. We must make America energy independent, and we do that by developing our own energy resources—all of our energy resources, not only oil and gas but coal. We need to develop clean coal technology. We need to look at alternative energy resources, such as wind and solar and waves, and all of those things. We need to have research and development on nuclear energy and on all of the things that are critical for us to be energy independent as a Nation.

Republican bills would create 250,000 jobs short term and 1.2 million jobs long term, according to Louisiana State University's Joseph Mason. We've got to create jobs, but the energy policies that this administration and our Democratic colleagues are promoting are killing jobs, not creating them. Republican policies want to create jobs.

Under the Republican bills that we have introduced, one of which is H.R. 1230, the Restarting American Offshore Leasing Now Act, we would expand American energy production and create jobs by requiring the Secretary of the Interior to conduct oil and natural gas lease sales in the Gulf of Mexico as well as offshore of Virginia that have been delayed and cancelled by the Obama administration.

H.R. 1229, Putting the Gulf of Mexico Back to Work Act, will end the Obama administration's de facto drilling moratorium in a safe, responsible and transparent manner, and it will put thousands of Americans back to work, increasing American energy production to help address the rise in gasoline prices that Americans are facing every single day. Every single day, we see gas prices jump.

H.R. 1231, Reversing President Obama's Offshore Moratorium Act, will lift the President's ban on new offshore drilling by requiring the administration to move forward on American energy production in areas containing the most oil and natural gas resources.

Many organizations support the three bills I just mentioned: the U.S. Chamber of Commerce, Americans for Tax Reform, the National Taxpayers Union, Americans for Prosperity, Citizens Against Government Waste, Americans for Limited Government, the National Federation of Independent Business, the 60 Plus Association, the American Trucking Association. I could go on and on and on. Gulf organizations are supporting the passage of the Outer Continental Shelf legislation, and I could list organization after organization.

I won't continue with those right now because I've been joined by a good friend who is stalwart on this issue and who, I think, has probably done as much or more than any other Republican Member of Congress to try to help make us energy independent as a Nation and to help us create jobs here in America.

My dear friend, JOHN SHIMKUS, I yield to you.

Mr. SHIMKUS. Thank you, Congressman BROUN. It's great to be with you, and I appreciate the introduction. You're too kind.

One thing I do know: If you want to create good-paying jobs, it's in the fossil fuel industry.

During this recession, one of the two biggest job engines for organized labor has been the production of a new, supercritical coal-fired power plant. There will be thousands of building trade workers building this power plant and hundreds of people who will be working in this power plant and mining the coal. They'll have great wages and superb benefits. So, if we want good, high-paying jobs in this country, the fossil fuel industry is one sector that can do that.

The other major job engine next to my congressional district is the expansion of a refinery in Wood River. Actually, it's in Congressman COSTELLO's district, but we're right next to each other. It's the ConocoPhillips-Wood River Refinery, and it has thousands of employees. It's a $2 billion project to help crack the oil that would come from the Canadian oil sands. You have thousands of jobs right now. You have another supply decreasing our reliance on imported crude oil from an ally with North American Energy—great wages, great benefits, secure jobs. It's the fossil fuel industry.

I am just amazed at the continued attack on that sector by my friends on the other side and of the whole debate about what drives the cost of energy. It's a simple formula. We all learned it in basic economics and accounting: supply and demand. If you want to lower the cost of the good, you have to increase the supply. We continue to demand more. In fact, we're going to demand 30 percent more in electricity generation by 2030. If we don't marry that with increased electricity generation, guess what? We're going to have higher costs. The same is true with liquid fuels.

So we're in a very exciting time in this country because, for the first time, we really can make the argument that we could be independent of imported crude oil by using what we're proposing as an all-of-the-above energy strategy. Let these energy commodities compete for our purchase. One example we drew up with some friends on the other side is an open fuel strategy so that anybody can use anything when they pull up to the pump. Another manner in which you do that is you continue to allow all commerce to compete for electricity. You don't allow government to stifle the electricity generation or the liquid fuel market.

So many of us have seen these, and I'll go through them quickly since I know you've got some issues you want to talk about.

In an all-of-the-above strategy, we say ''all of the above.'' If you want to use solar and wind, great. That's part of ''all of the above.'' A small portion of electricity generation does nothing for liquid fuel, liquid transportation fuels, but it might add 3 percent of electricity. OCS, we've got to be there. We've got new excitement in the Marcellus shale. That's got to be an exciting new venue that can go for electricity generation and for liquid fuels. We've got fuel from coal, not just electricity generation. For years, South Africa has been turning carbon-based coal into liquid transportation fuel or aviation fuel, and as you know, I'm very supportive of the biodiesel provisions.

It all comes down to this: jobs. When we continued to add additional regulations on the fossil fuel industry, what happened to these miners? They all lost their jobs—a thousand of them in one mine. The attack by this administration and by my colleagues on the other side with regard to the fossil fuel industry has to stop.

I know we've been joined by another of my colleagues, and I'll end with this because you hear it quite a bit on the floor.

□ 1810

I just want to pose a question: If you raise taxes on a commodity good, how does that lower its price? If you raise the tax on a commodity, how does that lower the price to the consumer? It cannot, and it will not. It will only add to the price of that energy.

Thank you for letting me join you.

Mr. BROUN of Georgia. Thank you, Mr. SHIMKUS. I appreciate it. And I appreciate your efforts over many Congresses since I have been here. I am in my third Congress, as you know. You have been a stalwart fighting this issue all along, and I appreciate the hard work you have done for the people in your district in Illinois and for this Nation. So thank you so much for what you have been doing.

I have also been joined tonight by another friend of mine who has been very active in this issue because he is from Louisiana. He has been on the floor many times talking about the moratorium and the permatorium that has been going on, as some have called it. This has cost people jobs in his home State of Louisiana.

I yield to my good friend STEVE SCALISE from New Orleans.

Mr. SCALISE. I thank the gentleman from Georgia for yielding. I appreciate the hard work that you have been doing for years, as I have, on this issue. I appreciate the comments from my colleague from Illinois who just talked about just what is happening here.

In the last 2 weeks we were in our districts, and I got the opportunity to go through parts of my district. When you talk to people about what is happening in this country with the economy, the biggest question that comes up, beyond the short-term issues of the economy and jobs, is the high price of gasoline, and just why is it that right now people are paying almost $4, if not $5 in some parts of the country, $5 per gallon for gasoline, and we are still not even into the heart of the summer.

It is very clear as people look, it is very clear that the policies of this administration that have completely shut off our ability to produce, go and explore for and produce energy in America, is one of the main contributing factors to this high price of gasoline.

Of course, you don't have to go far in south Louisiana to see the direct impact because, as my colleague from Georgia just pointed out, not only the moratorium that was imposed about a year ago, but the permatorium that we are still experiencing today, where the administration won't let our people go back to work exploring safely for energy, people that had absolutely nothing to do with the BP explosion of the Deepwater Horizon, people in much deeper waters, drilling safely back then that now cannot go back to work.

We have lost over 13,000 jobs in the energy industry in south Louisiana in the past year specifically because of President Obama's policies that have shut those areas down. It has literally run thousands of jobs, 13,000 by the White House's estimates—we think the number is much higher, but I will just use the White House's numbers—13,000 people in this country who have lost their job in the energy industry, high-paying jobs, by the way, that have gone to foreign countries.

We have tracked some of these deepwater rigs that have left. Of course, the President goes to Rio de Janeiro a few weeks ago and brags that he wants to drill in Brazil. I would suggest, Mr. President, let's drill in America safely, where we know there are billions of barrels of oil here in this country, where we can create thousands of high-paying jobs and generate billions of dollars that the Federal Treasury would take in because of all that economic activity and the royalties that would be paid by those oil companies, that would lower our deficit. And yet, no, the President says we want to shut you down and put your people out of work, but we want to go and spend our resources drilling in Brazil.

This is the backward policy that this administration has pursued that has gotten us to this point where we are paying over $5 in some places in this country—$4, close to $4 in my district—for a gallon of gasoline, and we are not even in the heart of the summer.

So then when you look at what the administration's plan is. Clearly, our plan is we want to let our people go back to work exploring and drilling safely for energy, creating thousands of good jobs, bringing all that tax revenue into this country to lower our deficit. But the Presidents's answer, is, you would think maybe he would be agreeing on us with this. This should be a bipartisan issue, there is bipartisan support, by the way, to do what my colleague from Georgia and I are talking about, but the President not only doesn't support our plan, but the President's proposal is to raise taxes on American energy.

He goes out, and I guess every time he speaks he wants to go and beat up on an American industry, and right now it is the oil companies. Well, frankly, the oil companies that are out there right now, many of them are producing in other countries. But our

local producers, the small businesses, these aren't the big guys. These are the small businesses that are barely hanging on by a thread, struggling to survive, that he would be shutting down by raising taxes. His plan is to raise $22 billion in taxes on American energy production.

Now, his plan, by the way, coincidentally, doesn't apply to foreign countries. So when he goes to Rio and says ''drill in Brazil,'' his package that he actually has asked Congress to pass, and I sure hope we don't pass it, but his package not only raises taxes on American energy. That same tax increase doesn't apply to the drilling in Brazil or in Saudi Arabia or some of these other Middle Eastern countries that use that money to do things that are counterproductive not only to American energy security, but our homeland security.

So the President would say to raise $22 billion in taxes on American energy production, which, by the way, runs even thousands more jobs out of our country and increases our dependence on Middle Eastern oil. This is counterproductive policy, but that is the President's answer to high gas taxes, is to raise taxes on American energy, which means higher prices at the pump. And, by the way, we are already paying too much at the pump. Gas prices have more than doubled since President Obama took office.

It is not just bad luck that gives us high gas prices. It is bad policy that comes out of Washington, D.C. That is why I really appreciate the gentleman from Georgia bringing us here tonight. But also the legislation that we will be voting on tomorrow that actually starts to address this problem and says, you know what, if people in America want to safely explore for and produce energy here in America, we are going to let them do that. We are going to let them go to work here so that we don't send those jobs and those billions of dollars to countries like Brazil, and, even worse, Middle Eastern countries who want to do us harm.

So clearly the policy impacts the price of gas we are paying at the pump. We have got to reverse these policies that make absolutely no sense that are coming out of this White House and get back to an all-of-the-above strategy that actually allows us to utilize our resources here in America in a safe way, that produces thousands of good-paying jobs and brings billions more dollars into the Federal Treasury to pay down the national debt.

Mr. BROUN of Georgia. Mr. Speaker, the rules that were presented by Mr. BISHOP from Utah from the Rules Committee are the two bills that Congressman SCALISE was just talking about that will start forcing actually this administration to start letting out leases and helping us to develop our own energy resources here in America.

But I wanted to ask Mr. SCALISE before he leaves, I am on three committees. I am on Natural Resources, I am on the House Homeland Security Committee, and I am also on the Science, Space, and Technology Committee. Just today in Science, Space, and Technology, I heard Democratic colleagues talk about the number one issue in America today. One lady said, it is jobs, jobs, jobs.

□ 1820

And I have heard it in my other two committees. I've heard that from Democrat after Democrat. I know the gentleman is on the Energy and Commerce Committee, and the question I wanted to ask Mr. SCALISE is, Have you heard in that committee, one of our eight committees—one of the most important committees dealing with energy production—have you heard that same mantra from our Democrats on Energy and Commerce? Has it been jobs that we need to be focusing upon?

Mr. SCALISE. I appreciate the gentleman yielding. This mantra that's thrown out there, frankly, for over 2 years now, yourself, myself, we've been clamoring for policies that actually create jobs. And then when we bring forward legislation, actual bills—not to run up the deficit like our colleagues on the other side, not to run more jobs out of our country like our colleagues on the other side—but when we actually bring bills to say, Stop the madness, change these policies and bring that work back to America, create those jobs here, bring in that revenue here, they actually criticize us and say that has nothing to do with jobs.

Well, it shows, first of all, that they're out of touch. They don't understand how job creation works in this country. But they also, obviously, haven't been tracking the history; tracking exactly what's happening all across America, but especially in using the areas around southeast Louisiana as the prime example. You don't have to go any further than to go down to south Louisiana and you'll see the job losses that have occurred because of this administration's policies which have, one, shut off American energy production, which have led to higher gas prices, but also run thousands of high-paying jobs out of America. We've tracked those rigs, those deepwater rigs, which each of them is about a billion-dollar asset. So you have got an American employer that said, You know what; I can't even do business in America any more with my billion-dollar asset. I've got to move it somewhere else; to a foreign country. One of those rigs went to Egypt. I think we all know what's going on in Egypt right now.

Isn't it a sad indictment on this administration's failed energy policy that an American employer would say I think it's better to do business with my billion-dollar asset, to bring that asset over to Egypt and take the chances over there because of how bad the environment is business-wise in America. By the way, that one rig—and there are multiple rigs that have left our country—that one rig that went to Egypt is representing about a thousand high-paying jobs that are no longer here in America, that are no longer here in America, that are now in Egypt. I think that's a shame. It shows the failure of this administration's policies and it's the reason why—one of the few, but an absolute reason why—American families all across this country are paying higher gas prices at the pump. And there's no reason for it. We can reverse it. We need to reverse it.

I'm glad your committee passed legislation that we'll be voting on tomorrow. I know in our Committee on Energy and Commerce we're working on similar solutions. I think American people want as many solutions as possible. But at least we're finally putting solutions on the table to say, Mr. President, your plan might be to raise taxes on American energy and raise the price of gas at the pump. We've got a different approach. The House Republicans here, and hopefully Senators, will understand and push this issue. But our approach is to lower gas prices by increasing the supply here in America so that we're energy secure, we don't have to rely on these Middle Eastern countries, and we don't have to send our jobs and billions of dollars to those Middle Eastern countries, which jeopardize our security here at home, which as a member of the Homeland Security I know you know about very well, too.

Mr. BROUN of Georgia. Absolutely. In fact, I'm not a good lawyer—I'm not even a lawyer. I'm a medical doctor, as the gentleman knows. In law school they teach you not to ask a question if you don't know what the answer is. And I didn't know what your answer was going to be, but I felt sure you were going to answer the way you did, for the simple reason that we hear our colleagues on the other side, the Democrats, keep talking about wanting to create jobs. But their policies are destroying jobs—American jobs, private pay jobs. Their policies are developing bigger jobs, bigger government here in Washington, D.C., so much so that the only city in this country that real estate prices have not gone down is Washington, D.C. They've gone up.

Why? Because this administration, NANCY PELOSI, HARRY REID, and their colleagues in the House and the Senate in the 111th Congress are creating bigger government, more regulations, more taxes, more attacks on jobs in the private sector, more attacks on small businesses, and it's creating a bigger government. Thus, higher real estate prices here in Washington because we've created government jobs. They claim about all the jobs created with the stimulus bill, et cetera, but it's government jobs is pretty much what we're creating.

We've got another problem. In fact, I introduced H.R. 1032, the RELIEF Act, because we have excessive and frivolous lawsuits against our own energy production and it has significantly delayed and in many cases prevented our

energy resources from reaching the American marketplace. H.R. 1032, the RELIEF Act, doesn't stop people from having their day in court. But what it would do is it would allow the environmental wackos that are trying to stop energy production here in this country from having this endless plethora of lawsuits that stop the permitting and stop the production.

What it would do is it would require that all lawsuits be filed within 60 days and that the courts would have to have a determination or solution to that case within 180 days, and that if the district court ruling was appealed, that it would go to the Supreme Court and the Supreme Court would have a ruling within another 180 days. It would also allow some relief from the frivolous lawsuits by allowing the prevailing party to be able to seek legal fees and other expenses under the Act. This is the kind of bill that we need to pass. I've been asking Members of Congress to cosponsor this because we need to pass this kind of legislation.

We hear from our colleagues, Let's stop the subsidies to the big oil companies with all their billions of dollars of profits. I would like to stop subsidies to everything, including ethanol, which has not made sense. I'm a good southern boy. I love my grits and cornbread. And it makes no sense to me to drive down the road burning up my grits and cornbread in my Yukon. It's destroying engines, it's destroying food prices, it's destroying jobs here in this country. We need to stop all of this. We need to start developing our own energy resources.

Mr. Speaker, what can the American people do? What American people can do is contact their Members of the Senate and the House and demand that we start producing American energy. America is not secure as a Nation because we're not energy secure. We've got to start developing our own energy resources here in America. All of them. We need to have an all-of-the-above energy policy. It's up to the American people to demand that from their Members of the House as well as the Senate.

Former U.S. Senator Everett Dirksen one time said when he feels the heat, he sees the light. The American people absolutely must contact their Senators and Congressmen to say: We need American energy. We've got to start developing our own energy resources—all of the American energy resources—coal, oil, natural gas, wind, solar, nuclear energy. Every single energy resource. It's absolutely critical. It's critical for us to lower the cost of American energy, lower the cost of groceries in the grocery store and in restaurants, lower the cost of all goods and services by lowering the cost of energy production, make us secure as a Nation. It's up to the American people to demand it from your Member of Congress, from both your U.S. Senators as well as U.S. House Member. If we get enough heat upon Members of Congress, particularly heat upon our Democratic colleagues in the House as well as our Democratic colleagues in the Senate, as well as the Obama administration, we can be a secure Nation, we can be energy independent. We must. And it's up to the American people to demand it.

I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1229, PUTTING THE GULF OF MEXICO BACK TO WORK ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 1230, RESTARTING AMERICAN OFFSHORE LEASING NOW ACT

Mr. BISHOP of Utah (during the Special Order of Mr. BROUN of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 112–73) on the resolution (H. Res. 245) providing for consideration of the bill (H.R. 1229) to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, and providing for consideration of the bill (H.R. 1230) to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1830

JUSTICE IS SERVED: THE DEATH OF OSAMA BIN LADEN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Thank you very much, Mr. Speaker.

I want to really focus today on an extraordinary event that took place on Sunday, that is, American time, but before I do that, I just want to take a couple of minutes having sat here listening to the last 45 minutes on energy policy, just a couple of things.

The President is not suggesting that we raise taxes on fuel but that we eliminate subsidies to the oil industry that has received, for a century, American taxpayers' support, and those subsidies are no longer needed given the extraordinary profits that they are making. We ought to also consider that last year, ExxonMobil paid zero Federal income tax, yet they had billions, about $11 billion, of profit.

The second point, the oil production in the Gulf of Mexico is up this year compared to the previous year, and even though there is more production of oil out of the Gulf of Mexico, we've still seen this spike in gasoline prices. So the notion that somehow more drilling in the Gulf of Mexico will drive prices down is just not the case, because we've seen more production and yet a spike in prices.

Finally, with regard to the bills that were just announced during the middle of this discussion about drilling in the Gulf of Mexico, the Democratic Party wants to make sure that that drilling is done safely; the President wants to make sure that drilling is done safely. And what we have suggested, that when these bills come to the floor, they be amended so that the recommendations made by the commission that studied the blowout on the BP platform, that those safety recommendations be put into the law. I guess that's not such a bad idea, but I want to just get that out here just so we have some understanding about what was discussed over this last hour.

But what I really want to do—and I see my colleague from South Carolina (Mr. CLYBURN) here—is focus on an extraordinary and extremely important event that took place on Sunday, American time, and Monday, Pakistani time. The United States persevered for a decade to get Osama bin Laden. The President of the United States, Barack Obama, was determined during his campaign for Presidency and in the very first moments of his Presidency that he would focus like a laser beam on getting Osama bin Laden. It took some time. It took an extraordinary effort by the intelligence community, by the military, by this Congress in providing the necessary support and by our colleagues in other branches of government to get the job done. It was accomplished, and finally that banner on that aircraft carrier has real meaning—Mission Accomplished.

Mission Accomplished. Osama bin Laden is no more. The man that was responsible for the biggest mass murder ever in this Nation's history is no more. President Obama, we thank you. We thank the men and women of this military and the intelligence community that made this happen. We applaud the courage of all that were involved and the wisdom and the determination to get the mission accomplished.

Let me now turn to our colleague from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Thank you so much. Thank you for yielding me the time.

Mr. Speaker, I rise to commend and give thanks to all those who played roles in the operation that resulted in the death of Osama bin Laden.

First and foremost, President Obama who came into office determined to renew the focus on Osama bin Laden, and he has delivered. His gutsy decision to proceed with the raid as he did, as opposed to striking the compound from the air, will go down in history as one of the great Presidential decisions of all time.

Next, the Navy SEALs who carried out the mission. Their unparalleled courage, dedication, and physical and mental strength are truly awe inspiring and were crucial for the success of the operation.

We have been trying to eliminate the threat to our homeland since 1993, and

the effort has continued unabated as the White House and the Congress have switched hands several times.

While nothing can bring back the lives lost in the World Trade Center back in 1993, our Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, the USS Cole and the Twin Towers on September 11, last Sunday's events serve as a modicum of closure for many Americans and should be a reminder to those who wish to do us harm that America does not waver in the pursuit of justice.

God bless the brave men and women, and their families, who work every day to protect our Nation and its people.

Before closing, I want to also thank CIA Director Leon Panetta and all the unsung heroes in our intelligence community who do their work anonymously and seldom receive deserved accolades. Their families sacrifice immensely so that they can serve our country.

God bless the United States of America. Thank you.

Mr. GARAMENDI. Thank you very much, Mr. CLYBURN, for your heartfelt and very, very appropriate words.

The mission that was carried out was not something that came about just in a matter of days. It had been planned over the course of many, many years, and, with determination, the intelligence community, led by most recently Mr. Panetta, worked tirelessly to track down Osama bin Laden. It took a great deal of time and many, many years but ultimately succeeded in ways that the news media is now beginning to report. We can only give thanks and congratulations to that part of this mission and their determination and steadfastness to stay on the track, to follow every lead and to find every stone that needed to be turned over so that ultimately success could be had in locating Osama bin Laden.

I think we all now know a great deal more about Abbottabad and what it is, a community, not large, but what was this strange new compound doing in that particular location? We found out precisely what it was doing and we took the steps necessary.

I think all of us have seen pictures of the Situation Room at the White House, with American leaders surrounding a table, looking at the television screens, watching in real time what was going on half the world away. I think all of us could see the concern on the faces of those leaders, the President, the Secretary of State, Mr. Panetta and others who were there who had spent their previous hours preparing for the mission and making a very difficult decision.

□ 1840

They knew that this was an extremely risky program that could quite possibly fail, and I'm sure they had the failure of the mission that President Carter ordered three decades before to go into Iran to rescue the hostages, I'm sure that weighed heavily on their minds.

But nevertheless, the President made a very, very courageous decision to accept the risk of failure and quite possibly to succeed in finally dealing with the mass murderer Osama bin Laden. We must keep in mind that it wasn't just Americans who were murdered here on the shores of this Nation, but in Pakistan and in other countries around the world, al Qaeda murdered far more people in those countries.

I notice now that I'm joined here by my colleagues. I'd like to turn to my colleague from San Diego. SUSAN, if you would care to join us, thank you.

Mrs. DAVIS of California. Thank you. I'm delighted to join you, and I want to thank you so much for taking this time today.

We know that the events that occurred just a few days ago were really the result of multiple government agencies working together over a number of years, but today, at this time, I want to rise to honor one of our Nation's finest fighting forces, our Navy SEALs.

My district is home to Coronado, which houses both the Coronado Naval Amphibious Base, where all SEALs undergo basic training, as well as the Naval Special Warfare Command; and over the years, I've had the pleasure of meeting these brave young SEALs who are willing to do a job that most of us would rather not even imagine, and, quite frankly, we can hardly imagine many of the things that they're asked to do. And, you know, the most amazing thing to me is they do this job so quietly. They really don't talk about their work, but you can see it often on their faces and the fact that they are very proud of what they do and they are very proud to be Americans.

These men ask nothing in return for the work that they do, a quality that I certainly admire in them, not only among our Special Forces but among our brave men and women in uniform across the services.

So I rise to say a very big and grateful thank you. You ably and swiftly removed one of the most heinous criminals this world has ever seen, and I simply want to say thank you to our SEALs for a job very well done, and I'm very proud to represent you. Hooyah.

Thank you.

Mr. GARAMENDI. Thank you very much, Representative DAVIS. I share your enthusiasm. Not too long ago, I also represented San Diego but in a different role, not as a Representative but as Lieutenant Governor.

Indeed, Coronado is an extraordinary place, and the naval forces that are such a prominent part of San Diego did play a role in this in many, many ways. I was trying to recall whether the aircraft carrier that ultimately did the final burial at sea was stationed in San Diego. I think it was a San Diego aircraft carrier.

Mrs. DAVIS of California. Yes, it was.

Mr. GARAMENDI. So what we have here is another way in which the American Armed Forces, in the many different ways, in the case that you talked about, the role of the Special Forces, the special operations, and the SEALs that actually participated, carried out the mission, and the aircraft carrier, and then in between the Air Force and the Army, all of them playing a role. It's an extraordinary example of the way in which military power, properly focused on a very important task, is able to carry it out.

Mrs. DAVIS of California. Yes.

I think the other thing that we realize, and those of us in San Diego are so aware of our Navy, but all the other agencies that work well together, that's important. And over the years it hasn't always been that way at the level that it is today, and I think that's why they were so successful. And as we've had an opportunity to read newspapers throughout this country and to have some opportunity as well to speak to the people who were key in carrying out this operation, that's something that they're very proud of, that the communication, that the—we use the word ''synergy'' a lot, but people came together on many different levels and, quite honestly, it's something that probably would not have been possible quite a number of years ago, but it is today. And I think that it's something I hope that our enemy is paying attention to because we are a lot abler, a lot more smart, a lot more capable of carrying out these kinds of activities, and it should make those who want to do us harm think twice.

Mr. GARAMENDI. Absolutely correct, and I thank you so very much for your participation tonight in honoring and congratulating President Obama and the special operations and the American intelligence community for what they were able to accomplish. Finally, mission accomplished.

I'd like now to turn to our new colleague just a little less experienced than myself, Mr. CLARKE from the State of Michigan and the city of Detroit.

Mr. CLARKE of Michigan. Thank you, Representative GARAMENDI.

I, too, want to commend the Obama administration, our military forces, the national security and intelligence team for mission accomplished by taking out America's public enemy number one, Osama bin Laden. And while I believe it's important that we continue to work to eliminate terrorist breeding grounds and safe havens for terrorism that exist in foreign countries, because bin Laden is now gone, this is the time to reassess our mission in Afghanistan.

For example, we've been spending in recent years in total military and civilian aid to Afghanistan approximately $100 billion. That's billion with a ''B.'' We could take a share of that money, a share of those billions, redirect it to the United States to better protect Americans right here at home, invest that money in homeland security, for sound intelligence, to better

protect our borders, and also to support our first responders. And what I'm talking about is our local police officers, our local firefighters, our emergency medical providers. They need resources now because State and local governments really don't have the money to properly fund those operations. They need money. They need our support because our local police and fire, that's our first line of defense against terrorism here in the United States. Let's return some of that money here to protect Americans in the homeland, because it's American tax dollars in the first place that we're spending in Afghanistan.

Similarly, we spend billions of dollars in economic assistance to help rebuild Afghanistan. I am not taking great issue with that, but we could take a portion of that money to help rebuild our cities, rebuild our manufacturing capacity, repair our roads and bridges, build industrial parks and new schools. We're doing all of this right now in Afghanistan. We can do more of that right here at home for Americans.

So I want to thank, again, the Obama administration for a job well done, taking out our number one public enemy. This now provides us an opportunity to reassess how we're spending our money overseas, especially in Afghanistan, to redirect more of those funds right here at home because Americans, we need it. It's our money in the first place.

We can create jobs if we invest some of that in manufacturing, invest some of that in cities like the city of Detroit which are the basis of our manufacturing capacity, those types of industrial cities all around the country. And we know we need the industrial parks and schools.

Afghanistan, yes, we're rebuilding that infrastructure there. Let's do the same thing. Let's do more of that right here in the United States. That's how we can help all of us make it in America, and that makes the world a better place to live.

□ 1850

Finally, the real homeland security comes from within. When you take care of Americans and you make America stronger, that's the best way to fight off terrorists. The best way to defend ourselves against a threat that comes from overseas is to make sure that we are as strong as possible right here at home. Let's return some of that money to help serve Americans because, again, it's American tax dollars in the first place. I appreciate you giving me this opportunity to speak on these issues.

Mr. GARAMENDI. Thank you very much, Mr. CLARKE.

Your concern about the economy of Detroit and, in a larger sense, the economy of the United States is very, very well founded. There is no doubt that the economic and social strength of America is the foundation upon which every other aspect of the war on terrorism must be fought. We have to deal with our economy. And you're quite correct about the allocation of resources.

I notice that New Jersey and RUSH HOLT, who has been a stalwart in dealing with the policies of protecting America in many ways, energy policy and the rest, has joined us. Mr. HOLT, if you would care to join in and share your thoughts on this most important event, the elimination of the world's greatest mass murderer.

Mr. HOLT. Thank you, Representative GARAMENDI, and thanks for setting aside some time tonight to recognize this work by some great patriots. When I heard the news on Sunday, my thoughts turned immediately to those harmed by bin Laden's vicious attacks on our embassies, our ships, planes, the World Trade Center, the Pentagon, and the many thousands of deaths caused by the havoc he sewed. Our hearts go out to those families.

Certainly in central New Jersey, we lost hundreds and hundreds of people on September 11, but we mustn't forget those who died in the embassies a couple of years before that, those who died in the wars that followed. Middletown, New Jersey, lost more people on September 11 than any other single town, except New York City. They went off to work, not understanding that this evil was at play, that Mr. Bin Laden was plotting just the most dastardly thing that you can imagine.

America's military and intelligence services demonstrated why they are known as the best in the world. Bin Laden's removal was of course not immediately the end of the threat of terrorism against the United States, but his death represents a crippling blow to the organization responsible for these many attacks over the last 13 years. It really is appropriate that we congratulate President Obama and the dedicated and brave members of our military and intelligence services for acting as they did.

The President showed that he understands intelligence efforts and military operations, and the Special Forces showed that they have skills and equipment like no others. The hunt for Zawahiri and other al Qaeda leaders will continue. I suspect that the information gathered in the assault on bin Laden this week will speed that search. I spent a number of years on the Intelligence Committee here in the Congress and learned a great deal about the dedication and skills of these people that work behind the scenes.

When the United States began its military campaign in Afghanistan nearly a decade ago, our goal was to bring to justice bin Laden and other al Qaeda leaders that were responsible for the attacks. It's worth noting that the senior most al Qaeda leaders have been captured or killed not in Afghanistan but in Pakistan. That fact only reinforces my conviction that the time has come for the United States to begin a swift and orderly withdrawal of our combat forces from Afghanistan, and I hope the President will heed the call of people all over the country and, I would say, all over the world to do precisely that.

As we celebrate the courage and the work of the Special Forces, we must also talk about the intelligence services, where they combine enormous skill and brain power and perseverance and, yes, courage. They are frequently only one intelligence leak away from losing all their work or sometimes their lives.

The fact that this has taken more than a dozen years since the bombing of the embassies to track down bin Laden and his evil operations emphasizes the need for full reliable cooperation with other countries, not intermittent sometime cooperation. It should have been, America would have wanted, the world would have wanted that this be completed sooner. So we need that international cooperation. This demonstrates it.

As Mr. CLARKE, our colleague, points out though, the day-to-day protection of Americans won't be done by Special Forces. It will be done by courageous Americans who do the right thing day in and day out, our local first responders, the investigators. That's how most—in fact, nearly all of the potential terrorist attacks that have been beaten, undone, have been uncovered.

So this is sobering to think about what we have in front of us yet, but we know we have good people working on it. We saw that this past week, and we celebrate them and congratulate them and our leaders for carrying it out.

Mr. GARAMENDI. Mr. HOLT, thank you very much.

A couple of things about your discussion really struck me as being very, very important. You reminded us of the men and women that died not only on September 11, the impact on the community that you represent there in New Jersey, and other communities but also the fact that men and women died in the previous attacks that were sponsored and planned by al Qaeda. You also reminded us that there were men and women not of this country but of other countries, Kenya, Tanzania, Iraq, Pakistan, and other countries, that were also the victims of the vicious evil attacks that were planned and carried out by al Qaeda.

It's not just Americans that were the targets of this organization. And you also reminded us of the importance of our own first responders and police and others here in the United States. We know that the reach of al Qaeda is not just Afghanistan, Iraq, Pakistan. It includes Yemen and Somalia and other countries and America, that there are Americans that have been radicalized by the message. We need to deal with that and address those individuals and organizations that may exist within our own country.

Mr. HOLT. If the gentleman would yield, I will add one more comment which is, I hope that this will bring the world closer together. The recognition

that the killings, the evil worked by this man affected many thousands—really, hundreds of thousands around the world. I'm sure many of these people are grateful to families of those who have been killed in other countries, and so forth, are grateful for the actions of these brave Americans. But I hope that what this does is bring the countries of the world and the peoples of the world more closely together in fighting such evil.

Mr. GARAMENDI. If I might take it from there, you reminded me that in the newspapers here in Washington and I think across this Nation, there was what we call an op-ed, an article that appeared on the editorial pages written by the President of Pakistan who congratulated President Obama and the United States for ridding Pakistan of a terrible problem.

□ 1900

I thought that that was a remarkable article that he wrote. He noted that his own wife was the target of al Qaeda, not once, not twice, but three times. The final effort resulted in her assassination.

So the point that you made about bringing all of us closer together to deal with terrorism, wherever it may be, and whatever rationale it may perceive itself to have, is a threat to every peaceful person and every country that desires peace. Point well made and well taken, Mr. HOLT. Thank you so very much for joining us this evening.

You're welcome to stick around and join us after we hear from my colleague from the State of California, LOIS CAPPS, who represents the Santa Barbara region of the Golden State.

Mrs. CAPPS. Thank you, Mr. GARAMENDI, for yielding me time and for organizing us to have this conversation and this opportunity to pay tribute this evening.

I rise, like my colleagues have risen, to commend the many people involved in bringing Osama bin Laden to justice. From all accounts, and from what we heard from Director Panetta yesterday, it was a meticulously planned and executed operation. I commend the President and his national security team for their focus.

When the President was running for office, he said that if he were presented with actionable intelligence on al Qaeda's leaders, that he would act, with or without the host country's permission or assistance. He got some heat on that commitment, if you'll remember, my colleague, but it's clear he was correct.

The result is that the perpetrator of the 9/11 attacks has now been brought to justice and the organization he has led has been further weakened.

And I am so grateful to our colleague from New Jersey (Mr. HOLT) for calling to mind, again, as all of us felt as we heard the news of Osama bin Laden's demise. We were immediately, at least I was, as well, reminded again of that awful day, 9/11 and the image, where we were when we heard the news, how we were riveted to watching the horror unfold, explode in D.C., at the Pentagon, and New York City and in Shanksville, Pennsylvania.

And I acknowledge that this was closure for those families who have suffered and continue to suffer, and a good thing that they have seen this person, this evil man brought to justice. But it doesn't lessen their sorrow and their loss, and we're mindful of that. And it comes back again to remind us that we have not, by any stretch, ended the threat of terrorism, and we must remain vigilant.

Mr. HOLT talks about all of the New Jerseyans who lost their lives that day. And it was concentrated in our metropolitan areas surrounding New York City. But these were trans-country flights, and some of the passengers were bound for the west coast, and some of them were my constituents as well as, I don't know about Mr. GARAMENDI, but others in California I know, lost their lives and those families are still grieving. So my heart goes out to them this evening.

But I want to acknowledge also the comments and the contribution from our colleague from Detroit, HANSEN CLARKE, who acknowledges for us all, which I am very mindful of, that our need to remain vigilant includes our homeland security. And that goes immediately to the role that our first responders play, and the responsibility that we have in this body to make sure that our front line defense in our cities, in our rural areas, in our vulnerable places that we're all mindful of now with the heightened security, because we know that this event that happened just so recently is going to have some kind of effect, and we need to be even more on guard.

But every day we want and need our first responders to be there in our homes guarding our streets and guarding our communities and making sure that we're safe. And we have a responsibility to see that they have the resources to do that.

On the other hand, disrupting the operations of this murderous group is such an important step to safeguarding our country.

But, Mr. Speaker, my main reason for wanting to contribute and add to this discussion this evening is what I feel is our important duty to pay tribute to these Navy SEALs who pulled off this operation and to thank them. We don't know their names. We don't want to reveal their identities for the safety of their families. But these brave individuals serve, not for fame, not for fortune. They do it in some of the most dangerous situations imaginable. They do this service for us to protect our freedoms. They do it as they did this past weekend and on so many countless other occasions to keep our country safe. While we sleep, they are on watch. And for that, we owe them such a huge debt of gratitude.

Finally, I believe that all Americans are rightly impressed and grateful by the tireless work done every day by members of our intelligence and our military communities. Indeed, it was that relentless hard work that tracked down bin Laden and countless others of his ilk. The dedication, the sacrifice of these men and women and that of their families have been so critical to keeping our country safe. It is a duty that's been particularly heavy in the days since 9/11.

It's easy for us to go about our life and to resume our normal ways of living, but not for them and not for their families. And now, as this has occurred, we really want to call to mind all those who serve our country, at home and abroad in the military, wearing the uniform for love of country, for their patriotism. And we owe them so much. Their service in Iraq and in Afghanistan, whether we agree with the engagement or not, they are serving their country. And this has been nothing short of amazing.

I think of my own naval base, Ventura County, where the Seabees ship from, and the work that they have done and continue to do reconstructing the war-torn areas and assisting the folks in Iraq and Afghanistan and rebuilding their lives.

I think of the Air Force base at Vandenburg, which I'm also privileged to represent, where so much of this intelligence comes from as our operations are carried out with such precision and such skill. The multiple tours of duty, the extended tours, the time away from family and friends, the danger that goes along with every deployment. These burdens are, quite frankly, something that most of us don't think about enough. So much of what these brave men and women do goes unnoticed and uncommented upon.

So, tonight, as we pay tribute to the courageous Navy SEALs who stormed that compound in Pakistan, I want us all to recognize the daily sacrifices of all of their brothers and sisters in arms, in the intelligence communities and serving in uniform. Let us thank them for the service that they have given and do give to us. Thank them for carrying out their duty to serve their fellow citizens every single day, and thank them also for calling to mind for us that they do this, not as Democrats or Republicans. They do this in service to their country.

And I believe that this action, such as we came together in 9/11, calls for us to join together in this Congress and in this country in a call to unity to rededicate ourselves to serving our country.

We have many pressing challenges today. Our involvement in Afghanistan is one of them, and it's a major one, and in Iraq as well. But we have our own homeland with our economic struggles that calls for us to work together as well.

So your desire to bring us together, Mr. GARAMENDI, makes me think about

a great many things and, again, to say how grateful I am that we have taken this important step in our war for freedom, against al Qaeda, but for freedom and for this life that we can enjoy in this country.

□ 1910

Mr. GARAMENDI. Representative CAPPS, thank you for your words. As you were talking, you were talking about families. I remember a discussion you and I had just a couple hours ago as we were sitting here in the Chamber and you told me about the birth of your granddaughter.

Mrs. CAPPS. Grandson. Little Oscar Walter. But you are absolutely right.

Mr. GARAMENDI. Congratulations on that. Our own tenth grandchild was born just 8 months ago. And I was thinking about them in the context of what has happened this last week and about what we here in Congress, the people's House, representing 350 million, 360 million Americans, about the task that we have to assure that those children of the next generation will have a world that is peaceful, safe, in which they can live out their dreams as we have been fortunate enough to do ourselves.

I notice that an extraordinary woman like yourself, Mrs. CAPPS, has joined us representing the great State of Texas, SHEILA JACKSON LEE. I think you would like to make some comments on the subject of the extraordinary courage that our President and our intelligence and our military have displayed this last few days.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman from California, and would say to him what a contributor he has been to really improving the lives of all Americans. I have enjoyed coming to the floor and engaging in important discussions on behalf of our colleagues. Really, we are speaking to our colleagues. And we hope that all of those that are represented by the many colleagues here would realize, when we are on the floor, we are trying to help set policy to improve the lives of Americans.

We traveled just 2 or 3 days ago to another exciting venture, and that was of course the set time for Endeavor to launch into space. And I think it connects very well. I enjoyed meeting your wife and having discussions about how great America is, and as well knowing that our dear friend and colleague was able to travel, Congresswoman GIFFORDS, and that a Texan, her husband, was going to be the commander of Endeavor. We looked forward to it going.

But I mention that because of course many of the astronauts are military personnel. And I could imagine when President Kennedy challenged us to go into space, into outer space, which seems like a fiction but was real, no later than 1969 we landed on the Moon. This is a great country, and we have the ability to be resilient and persistent.

As all of us reflect on where we were on 9/11, and I know that you could say where you were. We were right in this place. We were meeting and huddled around issues. I remember it as clear as day. Small Business. We were not on the floor, but we were huddled in a room right underneath this Chamber discussing how do we help small businesses. And all of a sudden we heard such a sound, such a shrill, ''Get out of here.'' It was something we had never heard before.

But I say that only that you would have thought in that experience, a 21st century experience, that America would have been brought to her knees. That was the intent. It was to put us in such panic and such intense depression that we can never rise again. And many of us who have flown into New York over the years always remember the very special view of the two towers.

So come now almost 10 years later, 2011, and as each President talked about making sure that they would find Osama bin Laden, even as President Clinton experienced the first World Trade towers bombing in 1993 and he responded, and even as President Bush made the comment of going to get him, we are so grateful that in all of those disappointments of not finding Osama bin Laden, that America never gave up.

So today I am delighted to join you to salute and honor all of the principals that were involved: President Barack Obama, his national security team, the Joint Special Operations Command, JSOC, the Navy SEALs, and all of the courageous men and women of the United States military as we were detailed this very intricate and very, very difficult and dangerous mission, how proud we were to understand the willingness of the Navy SEALs to sacrifice or to stand up and say, ''Let me be counted.''

I am hoping that we will have an opportunity to debate a resolution on the floor of the House. I am hoping that we will be able to do it in a bipartisan manner. I have introduced H. Res. 240 with 50 Members of Congress now joining in and asking for what might be a waiver this one time to allow us on this historic opportunity to debate on the floor of the House as our friends have in the other body.

But even as we speak tonight, and I want to thank our leader Congresswoman PELOSI for having the insight knowing that Members wanted to come and to express themselves. So let me just quickly say these words as I come to a close.

I like this comment. ''The world is safer without bin Laden,'' says Obama. President Obama. And then this other comment that I think is so very important speaking about this Nation and recognizing how we have never given up, the President has indicated that this is a country that is continuously resilient. And as we are resilient even in the face of obstacles and the continued threat from the USS *Cole* that happened, from the bombing in Africa, the embassies that were bombed, all of those incidents, and we never gave up.

And it is important for America to know that there were voices who opposed decisions that were made. And not in any way to be negative, but they doubted what was being presented. This was not an easy decision. This was a courageous decision. This could have been a calamity. This could have been the worst decision that anyone ever made. But, fortunately, there was a President who had a team who came together. And on behalf of the American people they acted bravely, courageously with sensitivity, astuteness, talent, genius. And I am so very proud to stand on the floor today to offer to the American public my outpouring of congratulations to each and every one.

I close with this. I don't know all of the facts, but I understand that one of those actors, one of those military personnel may have been the child of an immigrant family, a recent immigrant family. How great it is to be able to take those young people who love this country and let them serve this country.

Mr. President, in finality, never give up, never give in, and never give out. You are serving the American people, and as Commander in Chief we salute you.

To all of those who worked, the military, the national security team, the intelligence community, JSOC, Secretary of State, Secretary of Defense, and others not named, we thank you, because we realize that you stand in the shoes of those men and women that are forever brave. To their families I say thank you, and to this leadership I say thank you.

I would like to congratulate President Obama, his National Security team, the Joint Special Operations Command (JSOC), the Navy SEALs, and all of the courageous men and women of the armed forces and intelligence agencies that contributed to the successful implementation of the mission that led to the death of Osama bin Laden. I would also like to congratulate President Obama on his successful policies on the war on terror and in homeland security.

President Obama's leadership, resolve, and perseverance led to the killing of Osama bin Laden, the man and symbol of evil behind the September 11 terrorist attacks.

The death of Osama bin Laden has been a crowning moment in our Nation's war against terrorism and has sent a clear and significant message to terrorists around the world that the United States will not cease in our pursuit of justice for those terrorists who seek to do harm to this Nation and its citizens.

Following the death of Osama bin Laden, the family and friends who lost loved ones in the terrorist attacks on September 11 are able to achieve a greater sense of comfort and closure.

After months of meetings with the National Security Council and intelligence officials, led by President Obama who directed intelligence officials to zero in on Osama bin Laden's whereabouts, intelligence officials devised and carried out a clandestine operation which had frequently been rehearsed in an effort to minimize casualties, both civilian and military.

As Commander-in-Chief, President Obama gave the final authorization to commence the

operation to capture or kill the most wanted terrorist in a manner that would provide proof that the right man was captured or killed.

The highly trained and brave members of the Navy SEAL Team and intelligence officials that entered the compound did so under the highest levels of patriotism and service to the United States of America, and they were successfully able to identify and kill Osama bin Laden with no military losses and minimal civilian casualties.

Upon hearing the news of Osama bin Laden's death, there was an incredible outpouring of unity and defiance of the terrorists who still seek to destroy our free way of life, and there was an impressive show of unity amongst lawmakers regardless of party affiliation.

President Bill Clinton led the Nation during the terrorists' attacks on the USS *Cole*, United States embassies, and the first attack on the World Trade Center and President George W. Bush led the Nation during the September 11 terrorist attacks, and both leaders pledged to defend freedom and seek justice for the horrendous attacks on the United States of America, and President Obama had the strength and wherewithal to see that pledge through to fulfillment.

Osama bin Laden was the symbol and inspiration for terrorism which resulted in acts of violence around the world. His actions resulted in the murder of thousands of America civilians and the men and women of the United States military. I believe that the strategic, successful operation which led to his death should be commended along with the important leadership of President Obama, who worked with his national security team and ultimately authorized this mission. Further, I want to honor and recognize all of the men and women of the military and the intelligence agencies that contributed to the successful implementation of this mission.

This completed mission shows the resilience of the American people and the American government to find the man that caused such death and brutality. Now, we hope that our ideals of democracy, justice, and freedom will prevail so that peace can come to the world.

BILL SUMMARY AND STATUS

H. RES. 240

Latest Title: Commending President Barack Obama and the men and women of the military and intelligence agencies for the successful completion of the operation that led to the death of Osama bin Laden.

Sponsor: Rep Jackson Lee, Sheila [D–TX–18] (introduced 5/3/2011) Cosponsors: 40

Committees: House Armed Services; House Intelligence (Permanent Select); House Homeland Security

Latest Major Action: 5/3/2011 Referred to House committee. Status: Referred to the Committee on Armed Services, and in addition to the Committees on Intelligence (Permanent Select), and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

COSPONSORS, ALPHABETICAL [*= original cosponsor]:

Cosponsor Statistics: 40 current (includes 40 original)

Rep Barrow, John [D–GA–12]—5/3/2011*
Rep Bass, Karen [D–CA–33]—5/3/2011*
Rep Berkley Shelley [D–NV–1]—5/3/2011*
Rep Bishop, Sanford D., Jr. [D–GA–2]—5/3/2011*
Rep Boren, Dan [D–OK–2]—5/3/2011*
Rep Boswell, Leonard L. [D–IA–3]—5/3/2011*
Rep Chandler, Ben [D–KY–6]—5/3/2011*
Rep Cohen, Steve [D–TN–9]—5/3/2011*
Rep Cuellar, Henry [D–TX–28]—5/3/2011*
Rep Cummings, Elijah E. [D–MD–7]—5/3/2011*
Rep Dicks, Norman D. [D–WA–6]—5/3/2011*
Rep Gonzalez, Charles A. [D–TX–20]—5/3/2011*
Rep Hinojosa, Ruben [D–TX–15]—5/3/2011*
Rep Hoyer, Steny H. [D–MD–5]—5/3/2011*
Rep Jones, Walter B., Jr. [R–NC–3]—5/3/2011*
Rep Kaptur, Marcy [D–OH–9]—5/3/2011*
Rep Kingston, Jack [R–GA–1]—5/3/2011*
Rep Lance, Leonard [R–NJ–7]—5/3/2011*
Rep Larson, John B. [D–CT–1]—5/3/2011*
Rep Lewis, John [D–GA–5]—5/3/2011*
Rep Lipinski, Daniel [D–IL–3]–5/3/2011*
Rep Loebsack, David [D–IA–2]—5/3/2011*
Rep Lynch, Stephen F. [D–MA–9]—5/3/2011*
Rep Maloney, Carolyn B. [D–NY–14]—5/3/2011*
Rep Matheson, Jim [D–UT–2]—5/3/2011*
Rep McCaul, Michael T. [R–TX–10]—5/3/2011*
Rep Rangel, Charles B. [D–NY–15]—5/3/2011*
Rep Reyes, Silvestre [D–TX–16]—5/3/2011*
Rep Richardson, Laura [D–CA–37]—5/3/2011*
Rep Ross Mike [D–AR–4]—5/3/2011*
Rep Ruppersberger, C. A. Dutch [D–MD–2]—5/3/2011*
Rep Schmidt, Jean [R–OH–2]—5/3/2011*
Rep Serrano, Jose E. [D–NY–16]—5/3/2011*
Rep Shuler, Heath [D–NC–1 1]– 5/3/2011*
Rep Smith, Adam [D–WA–9]—5/3/2011*
Rep Smith, Adrian [R–NE–3]—5/3/2011*
Rep Tierney, John F. [D–MA–6]—5/3/2011*
Rep Velázquez, Nydia M. [D–NY–12]—5/3/2011*
Rep West, Allen B. [R–FL–22]—5/3/2011*
Rep Wilson, Joe [R–SC–2]—5/3/2011*
Rep. Eleanor Holmes Norton (DC)
Rep. Jim Himes (CT–4)
Rep. David Cicilline (RI–1)
Rep. Anna Eshoo (CA–14)
Rep. James Moran (VA–8)
Rep. Adam Smith (WA–9)
Rep. Jim Costa (CA–20)
Rep. Alyson Schwartz (PA–13)
Rep. Joe Courtney (CT–2)
Rep. Madeleine Bordallo (GU)

Mr. GARAMENDI. Thank you very much, Ms. LEE. Your comments are so well taken and so well said.

I was thinking earlier when I was talking about the Situation Room and what led up to the actual moment that the program was being carried out, the extraordinary and very difficult decision that the President had to make. But it was a decision that he had made months and years earlier when he spoke to the American people as he was asking them for their vote to become President that he was going to focus like a laser on the man that caused the problem; that he was going to go wherever it may take and do whatever is necessary to settle the score and to bring to justice Osama bin Laden. And when the moment came, when the information was presented and all of the potential disasters that could occur, international relationship issues, loss of men, and even thinking back on the Jimmy Carter incident in Tehran, he stuck by his determination and completed a mission that was accomplished.

□ 1920

As you were talking and as I was listening to your very fine presentation, I noticed that an extraordinary leader had joined us here on the floor of the House, a leader who, in her own way, set a very unique circumstance for America—the very first woman Speaker of the House, who led this Chamber and this Nation to accomplish tasks that had not been accomplished in the previous 40 years but which were highly desired by the United States citizens: a health care plan that would provide service to nearly every American, Wall Street reform, and women's rights in the workplace. It was a privilege for me to join during the time she was the Speaker. Now she is the leader of our caucus, Congresswoman NANCY PELOSI.

Ms. PELOSI. I thank the gentleman for yielding and for his very kind words. I thank you for yielding your Special Order that you have practically every night that Congress is in session to talk about jobs for the American people and to, instead, allow us to use this time to come to the floor to say, ''Hail to the chief. Congratulations and thank you, President Obama. Many of us in Congress come together in appreciation of your leadership, your determination, and your commitment of resources in the fight against Osama bin Laden.''

I am pleased to join so many of my colleagues who have come to the floor to express their appreciation for this historic achievement. We all know that the death of Osama bin Laden is not the end of terrorism, but it is a significant step. It sends a clear message that the American people will pursue justice.

I would also like to express my gratitude to our former Congressman colleague but now Director of the CIA and soon to be the Secretary of Defense, Leon Panetta. He was tasked by the President and named by the President in his remarks on Sunday evening as the person who had the responsibility to get the job done.

Our colleague Congresswoman JACKSON LEE has referenced the entire national security team, some specifically. I want to associate myself with her comments in that regard: the President's national security team and the Special Ops team—the men and women in uniform and our officers in the intelligence community. It is a testament to their professionalism, their precision, and their talent that no American lives were lost in this action; but it is indicative of, again, the contribution that they and their families make to help us uphold our oath of office to protect and defend. That's what we take an oath of office to do.

We recognize that this achievement was not just the goal of President Obama's, who said as candidate Obama and as President, If I have actionable intelligence on the whereabouts of Osama bin Laden, I will act upon them—and act upon them he did.

I called both former President George W. Bush and President Clinton to

thank them for their work in this regard. In the '90s, President Clinton declared Osama bin Laden to be America's ''public enemy number one.'' He saw that danger long before 9/11. Then, of course, following 9/11, President Bush tried to pursue Osama bin Laden. Their work was important, but I am here to commend President Obama in particular for executing the plan to get it done in recognition of the foundation that was laid by President Clinton and President Bush.

When we think of the symbol of Osama bin Laden and why bringing this to closure is so important, we are venturing onto sacred ground, 9/11—a shocking act of terrorism that affected our country very, very deeply, but none more deeply than the families who were affected by 9/11. We can never make them whole. We can never make up to them all that they have lost, but I hope it is some comfort to them that at least this has happened, however long it took. They used their grief for the greater good at the time by supporting the 9/11 Commission to investigate why this happened so endangering the lives of the American people would never happen again.

I commend the 9/11 families for their sacrifice, yes, for their patriotism, and for what they did to make a difference as we go into the future. Who knows? Maybe the work of the 9/11 Commission contributed to the success of this operation as well.

I know that our time is running out, and I just want to close, Mr. Speaker, by saying that our colleagues in the United States Senate unanimously passed a resolution to honor those who so successfully carried out this mission, and I'd like to associate myself with the language of their resolution. It says in part:

''The death of Osama bin Laden represents a measure of justice and relief for the families and friends of the nearly 3,000 men and women who lost their lives on September 11, 2001, the men and women in the United States and around the world who have been killed by other al Qaeda-sponsored attacks, the men and women of the United States Armed Forces and the intelligence community who have sacrificed their lives pursuing Osama bin Laden and al Qaeda.''

As they said, the death of Osama bin Laden represents a measure of justice. With gratitude for this measure of justice, I again hail to the chief, President Obama, for his great work. I thank him and congratulate him and all who made this historic achievement possible.

Mr. GARAMENDI. Thank you very much, Congresswoman and Leader PELOSI. I'll say, ''Speaker.'' Is that okay? We thank you for your leadership. We thank you for your remarks.

We have a couple of additional members of our caucus who would like to speak. I think we've claimed the next hour. I believe that it will be available. We're out of time at this point, so I will simply wrap up with these three or four words, which are:

It is with gratitude that I and my colleagues congratulate all who were involved in bringing to justice Osama bin Laden. A job well done. Mission accomplished.

Thank you very much, Mr. Speaker. I yield back the balance of my time.

DIALOGUE WITH THE AMERICAN PEOPLE

The SPEAKER pro tempore (Mr. WOODALL). Under the Speaker's announced policy of January 5, 2011, the gentleman from Louisiana (Mr. RICHMOND) is recognized for 30 minutes.

Mr. RICHMOND. Thank you, Mr. Speaker.

I would like to yield such time as he may consume to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. I thank the gentleman for yielding.

Mr. Speaker, it is an honor to serve as ranking member of the Intelligence Committee. The killing of Osama bin Laden is clearly the most monumental intelligence achievement in recent memory.

Osama bin Laden was a terrorist leader who was responsible for killing thousands of innocent Americans—moms, dads, brothers, sisters, friends, and loved ones. Bin Laden was a threat to the United States and a threat to the world. He had the blood of thousands of people on his hands. As we all know, 9/11 changed America forever.

Over the weekend, our military and intelligence professionals took extraordinary steps. They worked together as a team and killed the al Qaeda leader. It was a risky mission that was executed with intense training and a high level of skill. These professionals risked their lives to keep our country safe, and no American lives were lost. The men and women who carried out this operation exemplify the extraordinary courage of those who serve our Nation. The countless intelligence and counterterrorism professionals who had pursued bin Laden for years have the satisfaction of a job well done. I applaud them for their persistence and professionalism.

□ 1930

It was a great day for America. Justice has now been done. But let it be known, we have shown the world that if you come after Americans, we will come after you. Even if it takes disciplined persistence by our intelligence professionals and considerable time and resources, we will get you. Let that be a warning to all members of al Qaeda and any terrorists who attack the United States. Our fight against terrorism and those who want to harm Americans is not over, but we have severely weakened al Qaeda. We will remain vigilant as we continue to work tirelessly to protect our Nation.

Mr. RICHMOND. Mr. Speaker, I am going to start something tonight in an attempt to engage more of our American people in the process.

Mr. Speaker, I know that you know that it is no secret that America is still emerging from the recent economic downturn. We still grapple with high unemployment rates and our national debt. We are doing better than we were doing 2 years ago, but we have to do much better, and we will do much better, because we are Americans. That is our history. That is what we do.

We persevered through the Great Depression of the thirties and the depression of the eighties and the recession of yesterday. We supported one another and persevered through hurricanes, through floods, through tornadoes. We mourned together and persevered through the assassinations of John F. Kennedy, through Robert Kennedy, and through Martin Luther King. We persevered. In addition, I personally remember the attempted assassination of President Reagan. I remember writing President Reagan a get well note in the second grade. I even remember getting a note back saying thank you. We persevered again.

Fifty years ago today, an interracial group of Americans left Washington, D.C., on a bus trip to New Orleans with the goal of desegregating bus terminals. They were the first Freedom Riders. They never made it to New Orleans. They were beaten and bloodied throughout the South, but they sparked off a movement of over 400 Freedom Riders with the same goal and the same dogged determination and perseverance. Eventually our Nation repudiated segregation and embraced equality. We persevered.

If we are going to shake off this economic downturn, we need to embrace the Freedom Riders' spirit of perseverance and dogged determination. That is so very American. America will only rise up again on the strength of our collective ideas. Americans make up America, the people make up the Nation, and it is the people who will keep this Nation great.

Mr. Speaker, the U.S. House of Representatives is the people's House, and it is time that we listened directly to the ideas from the people.

Mr. Speaker, I am inviting the American people to join in this conversation. Here is how to contact me. Here is how to talk to me. Here is how to talk to Congress. You can email me at myidea@mail.house.gov. Again, that is myidea@mail.house.gov. That is because I want to hear your ideas. Or you can go to Facebook and follow me or leave a message on the wall, or go to Facebook and contact me, or you can follow me and I will follow you on Twitter so we can have a free exchange of ideas.

Mr. Speaker, I want to give credit where credit is due. You and the House Republicans last year launched YouCut based on a similar idea, and I applaud that again. YouCut requested that Americans identify what funding they would cut from the government's funding, and I am glad that you engaged the people.

But I think we need to go further. We should and must request that Americans share how they feel about everything. What bills do they want us to champion, what laws do they want changed, what programs do they want extended or ended.

Mr. Speaker, under House rules, I, unfortunately, can't directly address the American people. I must address my comments to you, Mr. Speaker. However, if I could speak directly to the American people, I would request that they send me their ideas for how to keep America great. I would request that they send me their thoughts on whatever they want to talk about.

Mr. Speaker, the American people can, again, email me at myidea@mail.house.gov. I will lead a conversation with the American people in which they will be an active participant. I will bring your thoughts up here and I will talk about them. I will engage you and Congress so that people can read what you write and read your ideas. I will also put your name on it. I don't want the credit. I just want a better country for our seniors and for our children.

Every couple of weeks while the House is in session I will make sure to come down here and start this conversation with America again. Although it is a conversation by me alone right now, I would suspect that we will get other colleagues joining in the conversation as we get other Americans joining in the conversation.

But right now we are going to stop, and I want to talk factually for a second about our financial situation, and I want to do it as nonpartisan as I can and not lay blame on one party or one President. I just want to talk about where we are.

We can start with recent history. According to the U.S. Treasury, when President Clinton took office, the national debt was $4.188 trillion. When President George Bush took office, the debt was $5.728 trillion. When President Obama took office, the debt was $10.672 trillion. Remember, the total debt is the sum of our accumulated annual budget deficits, so it shows a history of out-of-control spending.

So what is our current budget deficit? Last year, the U.S. Government spent about $3.5 trillion and collected $2.1 trillion in revenue. The deficit was right at $1.2 trillion. The nonpartisan Congressional Budget Office estimates that this fiscal year's budget deficit will be in the neighborhood of $1.4 trillion. The deficit for this fiscal year is projected to be higher than that of last year due to increases in mandatory spending and less growth in revenues as a result of the temporary payroll tax reduction as a part of last year's bipartisan tax deal.

So here we are, Mr. Speaker. The total amount of U.S. debt today is in the neighborhood of $14 trillion and the current debt limit is $14.294 trillion. The Department of the Treasury estimates that the debt will reach very close to this limit the week of May 16, at which time we will be forced to do some courageous things to avoid jeopardizing the full faith and credit of the United States of America.

So, what is the big picture? Well, the fact is over the last several years the U.S. experienced an imbalance between spending and revenues. As a result of the recession, we spent much more than we brought in.

I would like to point out that our recent spending spurred hiring in the private sector. It also provided small businesses with unprecedented tax relief. It helped home buyers purchase homes in this tough market; it helped police, teachers and firefighters continue to get paid; and it helped cities and towns across America weather this financial storm.

Last Monday night while leaving Afghanistan, I was having a conversation with a colonel in our Armed Forces. I was talking about this Special Order and I was going back and forth with him about his input and about ideas on how to engage people. He volunteered to be the first person to start the conversation and to pose a question.

He didn't really have much of a comment, but he wanted to pose a question to the American people. And his question was very simple, and it dealt with how big and what we do as Americans. So, right now I will start with his question, and that was: As Americans, what do we have, what do we want the government to provide, and how are we going to pay for it?

□ 1940

I think that that's a very basic question but it's at the heart of the debate from Democrats and Republicans and Independents. So that's what I think that we will start tonight with, Mr. Speaker, that if I could ask the American people a question, I would request of them to tell me how they feel about that statement: What do we have, what do we want the government to provide, and how are we going to pay for it?

Everyone agrees that where we are now is not where we need to be. We're dealing with big issues that demand big solutions. We have an aging population, rising health care costs, crumbling infrastructure, and uneven educational outcomes. Fortunately for us, America does great things. I believe that we can find a balanced approach that combines some reductions in spending on some programs, but combining that with increases in revenues for those who are most able to afford it and other policies that will promote faster economic growth, like during the Clinton era.

The current budget proposals, both the President's budget and the Republican budget proposed by Congressman RYAN, don't exactly get it right. They both leave room for improvement. We have to get this right, Mr. Speaker. The only way that we can get this right is by both parties working together and sacrificing.

We know that the American people don't want to underfund education or investment to grow the workforce. We know that they don't want us to sacrifice our long-term global competitiveness for short-term gains. Americans believe that we can walk and chew gum at the same time. Mr. Speaker, we can invest in tomorrow and still get our fiscal problems and our fiscal house in order.

How do we move forward? There are a number of options, but one thing is for certain. We should be honest about the tax burden currently faced by Americans.

I want to briefly show you another board, which we're not making any proposals but we want to talk about for a second, the effective tax rates.

The Congressional Budget Office just finished completing an analysis—in fact, they finished it in 2010—about the effective tax rates, which are the actual average rates of taxes paid. What we're going to look at today is the taxes on the top earners were far lower than the top tax rates. The tax rates for the top earners in this country are right at 35 percent of their income. Well, when you look at it after deductions—and legal deductions—and policies that we set as a country, those tax rates are far lower than 35 percent.

The top 10 percent of earners, representing approximately 12 million households in this country, paid an average tax in the neighborhood of 16.2 percent. Now, after paying taxes, their average income was $289,000.

Let's look at, now, the top 5 percent of earners, which only represent 5.9 million households. They're taking home an average post-tax, after-tax income of $440,500. They're paying an effective tax rate of 17.6 percent.

So you can see that when you look at 16.2 and 17.6, those numbers are far below the 35 percent that's in statute.

Now, when we get to the top 1 percent of earners in this country, representing only 1.2 million households, they took home an average after-tax income of $1.3 million, while paying only a 19 percent individual tax rate. So they fall right at 16 percent under the tax rate that's on the books.

Again, I'm not proposing what the numbers should be. But what we do know is that the top number is 35 and the lower three numbers are 16.2, 17.6, and 19 percent as the effective tax rate.

So the question to America, the question to this Congress, Mr. Speaker, is: What is the appropriate number if we're going to continue to pay down the debt, stop running deficits, but at the same time continue to take care of our seniors, invest in our children, do all of those things that continue to make this country what it is?

The next thing I'll talk about: What is the biggest takeaway from these facts? It's about sacrifice. What are we willing to sacrifice to do the things and allow government to do the things that government should do? What are the sacrifices we will make to take care of

our seniors, to take care of our children, to invest in innovation, to protect our homeland, to spread democracy, and to do all those critical things that we want to do?

These are the facts, Mr. Speaker. I encourage the American people to draw their own conclusions based on the facts—not hyperbole, not conversations from either side, not political rhetoric, but from the facts.

So, as I have laid out our debt situation, I would ask that you send me your ideas on what you think the numbers should be. This is the people's House. We see how they feel in the polls, but we need to hear their stories directly from them, Mr. Speaker. I will request that the American people send me those stories, tell me about their hardships, tell me if they think they're paying too much. But give me a specific example. Tell me how that tax rate, that tax liability, that tax burden affected your family. I want to know. I think Congress wants to know. We don't presume, and I certainly don't presume to know everything. I think it's very critical.

My grandmother told me a long time ago, Mr. Speaker, smart people know what they know and know what they don't know. I'm telling you today that I don't know everything, and I'm willing to listen to the people that do.

After all, we need everyone's creativity, everyone's inventiveness, everyone's ideas if we're going to keep this country great. This is America, home of amazing structural feats: The San Francisco Golden Gate Bridge in California, the Hoover Dam on the Arizona and Nevada border, Mount Rushmore in South Dakota. This is America, one of the most inventive nations in the world. We brought the world bifocals and the modern suspension bridge, dental floss and the doorbell, the airplane and peanut butter. America brought the world the defibrillator and the traffic light, digital recording and the Super Soaker water gun, the artificial heart and the personal computer.

This is America, a Nation of firsts and a Nation where our inventive spirit rings from sea to shining sea. This is America, where we do big things because we have big ideas. As President Obama said in this year's State of the Union Address: We're a Nation that says, I might not have a lot of money, but I have this great idea for a new invention; I might not come from a family of college graduates, but I will be the first to get my degree; I might not know those people in trouble, but I think I can help them, and I need to try; I'm not sure how we'll reach that better place beyond the horizon, but I know we'll get there. I know we will. We do big things.

Those were President Obama's words from the State of the Union in which he laid a course of where we are, where we need to get to, and why we all know we'll get there.

Mr. Speaker, again, I wish I could directly address the American people. If I could, again, I would invite them to reach out to me on Facebook, on Twitter, or by email. Email me at myidea@mail.house.gov.

We've been through rough patches before and we got through them because we're Americans. We will work together and we will listen to the American people. Our perseverance, ingenuity, creativity, and work ethic are unmatched. We're going to get through this because of our people.

Mr. Speaker, last week I had the opportunity to travel to Afghanistan, Batumi, and Baku, and over there I just want to say that the energy and the optimism in our troops were unmatched because they were representing America. They were representing what that flag stands for. They were representing the sacrifice that stands in this country's history.

□ 1950

We didn't always get it right since our founding, but we've always, always made it a goal to strive to be a more perfect union. I hope that through this conversation, we will continue to pursue being a more perfect union.

I want to take a detour for a second and just thank the New Orleans Hornets and thank their GM, Dave Dickerson, who when they found out that I was going over to Afghanistan to visit with some troops, that they sent care packages and T-shirts and bands and stickers and magazines to our troops because they understood the sacrifice that our troops were making and they wanted to make sure that they participated in just saying to our Louisiana troops, thank you, job well done, we appreciate your sacrifice.

Mr. Speaker, tonight, thank you for allowing me the time to have a conversation with you about what I believe the American people stand for, about the greatness we have inside ourselves, about the great things that I know we can do when we stand together. And thank you, Mr. Speaker, for allowing me to invite the American people to participate and become their own representative in this Congress and talk about their ideas and express their desires, their wishes and what they're willing to sacrifice and those things they think we need to do.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. EMERSON (at the request of Mr. CANTOR) for May 2 and the balance of the week on account of flooding in her district.

Mr. BILIRAKIS (at the request of Mr. CANTOR) for today on account of attending the funeral of a family member.

ADJOURNMENT

Mr. RICHMOND. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 52 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 5, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1393. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Procedures for Monitoring Bank Secrecy Act Compliance and Fair Credit Reporting: Technical Amendments (RIN: 3064-AD76) received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1394. A letter from the Deputy Director for Operations, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1395. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Planning Resource Adequacy Assessment Reliability Standard [Docket No.: RM10-10-000; Order No. 747] received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1396. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Mandatory Reliability Standards for Interconnection Reliability Operating Limits [Docket No.: RM10-15-000; Order No. 748] received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1397. A letter from the FWS Chief, Branch of Aquatic Invasive Species, Department of the Interior, transmitting the Department's final rule — Injurious Wildlife Species; Listing the Bighead Carp (Hypophthalmichthys nobilis) as Injurious Fish [Docket No.: FWS-R3-FHC-2010-0094; 94140-1342-0000-N5] (RIN: 1018-AT49) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1398. A letter from the Acting Assistant Secretary for Fish and Wildlife Parks, Department of the Interior, transmitting the Department's final rule — Special Regulation: Areas of the National Park System, National Capital Region (RIN: 1024-AD96) received March 23, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1399. A letter from the Chief, Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Carex lutea (Golden Sedge) [Docket No.: FWS-R4-ES-2010-0003] (RIN: 1018-AW55) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1400. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of Erigeron maguirei (Maguire Daisy) from the Federal List of Endangered and Threatened Plants; Availability of Final Post-Delisting Monitoring Plan [Docket No.: FWS-R6-ES-2008-0001]

(RIN: 1018-AU67) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1401. A letter from the Chief, Branch of Recovery and Delisting, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the Okaloosa Darter from Endangered to Threatened and Special Rule [Docket No.: FWS-R4-ES-2008-0071] (RIN: 1018-AW95) received April 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1402. A letter from the Acting Chief, Branch of FS, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the New Zealand-Australia Distinct Population Segment of the Southern Rockhopper Penguin [Docket No.: FWS-R9-IA-2008-0069; 92210-0-0010 B6] (RIN: 1018-AV73) received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1403. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-6040-02] (RIN: 0648-XA279) received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1404. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring; Amendment 4 [Docket No.: 080513659-1114-03] (RIN: 0648-AW75) received April 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1405. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA276) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1406. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 17B; Correction [Docket No.: 0907271173-1137-04] (RIN: 0648-AY11) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1407. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area [Docket No.: 101126521-0640-02] (RIN: 0648-XA271) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1408. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands [Docket No.: 101126521-0640-02] (RIN: 0648-XA262) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1409. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction [Docket No.: 001005281-0369-02] (RIN: 0648-XA263) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1410. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications [Docket No.: 110111018-1095-02] (RIN: 0648-XA109) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1411. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; Hawaii-Based Shallow-set Longline Fishery; Court Order [Docket No.: 100826393-1171-01] (RIN: 0648-BA19) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA277) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1413. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XA228) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1414. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groper Fishery of the South Atlantic; Closure [Docket No.: 040205043-4043-01] (RIN: 0648-XA229) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1415. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; American Fisheries Act; Recordkeeping and Reporting [Docket No.: 100413185-1155-02] (RIN: 0648-AY84) received March 28, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1416. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Business Status Protest and Appeal Regulations (RIN: 3245-AF65) received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1417. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Jobs Act: 504 Loan Program Debt Refinancing (RIN: 3245-AG17) received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1418. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations (RIN: 3245-AF53) received April 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

1419. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capital expenditures; in general (Rev. Proc. 2011-27) received April 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1420. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Reduction of Foreign Tax Credit Limitation Categories under Section 904(d) [TD 9521] (RIN: 1545-BG54) received April 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1421. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Replacement of Schedule SSA with Form 8955-SSA (Announcement 2011-21) received April 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1422. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Capital expenditures; in general (Rev. Proc. 2011-28) received April 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1423. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Japan Earthquake and Tsunami Occurring in March 2011 Designated as a Qualified Disaster under Sec. 139 of the Internal Revenue Code [Notice 2011-32] received April 7, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 245. Resolution providing for consideration of the bill (H.R. 1229) to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, and providing for consideration of the bill (H.R. 1230) to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes (Rept. 112–73). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. SULLIVAN (for himself, Mr. MATHESON, Mr. UPTON, Mr. WHITFIELD, Mr. SHIMKUS, Mr. WALDEN, Mr. LATTA, Mr. HARPER, Mrs. MCMORRIS RODGERS, Mr. MCKINLEY, Mr. TERRY, Mrs. CAPITO, Mr. GENE GREEN of Texas, Mr. CRITZ, Mr. POMPEO, Mr. ROSS of Arkansas, and Mr. COSTA):

H.R. 1705. A bill to require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Kentucky (for himself and Mr. THOMPSON of California):

H.R. 1706. A bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to facilitate the accelerated development and deployment of advanced safety systems for commercial motor vehicles; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Mr. BARTON of Texas, and Ms. SCHAKOWSKY):

H.R. 1707. A bill to protect consumers by requiring reasonable security policies and procedures to protect data containing personal information, and to provide for nationwide notice in the event of a security breach; to the Committee on Energy and Commerce.

By Mr. RIGELL:

H.R. 1708. A bill to prohibit the use of funds to support Operation Odyssey Dawn; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H.R. 1709. A bill to prevent and end the occurrence of sexual assaults involving members of the Armed Forces; to the Committee on Armed Services.

By Mr. BURGESS:

H.R. 1710. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in designing and proposing nuclear energy used fuel alternatives; to the Committee on Science, Space, and Technology, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Indiana:

H.R. 1711. A bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks, inspections, and training of child care providers; to the Committee on Education and the Workforce.

By Mr. CASSIDY (for himself, Mr. LANKFORD, Mr. YOUNG of Alaska, Mr. DENHAM, Mr. CRAWFORD, Mr. LANDRY, Mrs. LUMMIS, Mr. GARDNER, Mr. BOREN, Mr. THOMPSON of Pennsylvania, Mr. BILBRAY, Mr. SCHILLING, Mr. SULLIVAN, Mr. LUCAS, Mr. GUINTA, Mr. FLEMING, Mr. HUNTER, Mr. COLE, Mr. TERRY, Mr. FLORES, Mr. REHBERG, Mr. GRIFFIN of Arkansas, Mr. AUSTRIA, Mr. CHAFFETZ, Mr. OLSON, Mr. CRITZ, Mr. BOUSTANY, Mr. BURTON of Indiana, Mr. ALEXANDER, Mrs. BIGGERT, Mr. SCALISE, Ms. GRANGER, Mr. STUTZMAN, Mr. RICHMOND, and Mr. HARPER):

H.R. 1712. A bill to amend the Internal Revenue Code of 1986 to exempt sales of natural gas for use in natural gas vehicles from the retail sales limitation on defining independent producers of petroleum products; to the Committee on Ways and Means.

By Mr. CONNOLLY of Virginia (for himself and Mr. BLUMENAUER):

H.R. 1713. A bill to reduce Federal expenditures associated with data center real estate and electricity consumption, to implement savings reductions proposed by Federal employees, to reduce energy costs across Federal Executive agencies, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Armed Services, Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOLD (for himself and Mr. DEUTCH):

H.R. 1714. A bill to promote human rights and democracy in Iran; to the Committee on Foreign Affairs, and in addition to the Committees on Financial Services, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Mr. MCCLINTOCK, Mr. AKIN, and Mr. LAMBORN):

H.R. 1715. A bill to amend title 31, United States Code, to end speculation on the current cost of multilingual services provided by the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. HOYER (for himself, Mr. DINGELL, Mr. KISSELL, Ms. NORTON, Mr. LIPINSKI, Mrs. MALONEY, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. MOORE, Mr. MARKEY, Mr. LOEBSACK, Mr. CONYERS, Mr. SCHIFF, Mr. CRITZ, Ms. JACKSON LEE of Texas, Mr. CARNAHAN, and Mr. HASTINGS of Florida):

H.R. 1716. A bill to amend the Workforce Investment Act of 1998 to establish a pilot program to facilitate education and training programs in the field of advanced manufacturing; to the Committee on Education and the Workforce.

By Ms. KAPTUR:

H.R. 1717. A bill to require that, in cases in which the annual trade deficit between the United States and another country is $10,000,000,000 or more for 3 consecutive years, the President take the necessary steps to create a more balanced trading relationship with that country; to the Committee on Ways and Means.

By Mrs. LOWEY:

H.R. 1718. A bill to provide that service of the members of the organization known as the United States Cadet Nurse Corps during World War II constituted active military service for purposes of laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCMORRIS RODGERS (for herself, Mr. HASTINGS of Washington, Mr. MCCLINTOCK, Mr. PEARCE, Mr. JONES, Mr. WALDEN, Mr. HERGER, Mr. DUNCAN of Tennessee, Mrs. LUMMIS, and Mr. BISHOP of Utah):

H.R. 1719. A bill to better inform consumers regarding costs associated with compliance for protecting endangered and threatened species under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. OWENS (for himself and Mr. WELCH):

H.R. 1720. A bill to improve the H-2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

By Mr. PIERLUISI (for himself, Mr. FALEOMAVAEGA, Ms. BORDALLO, and Mr. SIRES):

H.R. 1721. A bill to amend the Elementary and Secondary Education Act of 1965 to increase the maximum amount that may be allotted to Puerto Rico under part A of title III; to the Committee on Education and the Workforce.

By Ms. PINGREE of Maine (for herself, Mr. CONNOLLY of Virginia, Mr. STARK, Mr. WELCH, and Mr. MCGOVERN):

H.R. 1722. A bill to amend the Richard B. Russell National School Lunch Act to create a local food credit program; to the Committee on Education and the Workforce.

By Mr. POSEY (for himself, Mr. PAUL, Mr. WESTMORELAND, Mr. ISSA, Mr. WEBSTER, Mr. JONES, Mr. MANZULLO, Mr. MILLER of Florida, Mrs. HARTZLER, Mr. PITTS, Mr. FLORES, Mr. GOHMERT, Mr. BARTLETT, Mr. PEARCE, Mr. GINGREY of Georgia, Mr. MCCOTTER, Mr. LUETKEMEYER, and Mr. THOMPSON of Pennsylvania):

H.R. 1723. A bill to permit certain current loans that would otherwise be treated as non-accrual loans as accrual loans for certain purposes; to the Committee on Financial Services.

By Mr. ROTHMAN of New Jersey:

H.R. 1724. A bill to provide for the provision by hospitals receiving Federal funds through the Medicare Program or Medicaid Program of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 1725. A bill to authorize the Secretary of Agriculture to make grants for the prevention of cruelty to animals to States that have enacted laws prohibiting the devocalization of dogs and cats for purposes of convenience; to the Committee on Agriculture.

By Mr. RUPPERSBERGER:

H.R. 1726. A bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers; to the Committee on Education and the Workforce.

By Mr. RUPPERSBERGER:

H.R. 1727. A bill to strengthen certain provisions relating to arms export licenses, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RUPPERSBERGER:

H.R. 1728. A bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance; to the Committee on Ways and Means.

By Mr. RUPPERSBERGER:

H.R. 1729. A bill to amend the Controlled Substances Act to authorize certain practitioners other than physicians to dispense

certain narcotic drugs in schedule III, IV, and V for maintenance treatment or detoxification treatment without obtaining annually a separate registration for that purpose; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SEWELL (for herself and Mr. LARSEN of Washington):

H.R. 1730. A bill to amend the Internal Revenue Code of 1986 to establish tax-preferred Small Business Start-up Savings Accounts; to the Committee on Ways and Means.

By Ms. TSONGAS:

H.R. 1731. A bill to direct the Secretary of Defense to submit notifications to Congress with respect to the failure by the Secretary to comply with statutory body armor procurement budget information requirements; to the Committee on Armed Services.

By Mr. VAN HOLLEN (for himself, Mr. RUPPERSBERGER, Ms. SCHWARTZ, Ms. MCCOLLUM, Mr. GARAMENDI, and Mr. POLIS):

H.R. 1732. A bill to amend the Internal Revenue Code of 1986 to allow a credit for equity investments in high technology and biotechnology small business concerns developing innovative technologies that stimulate private sector job growth; to the Committee on Ways and Means.

By Mr. WHITFIELD (for himself, Mr. CHANDLER, Ms. SCHAKOWSKY, and Mr. PITTS):

H.R. 1733. A bill to amend the Interstate Horseracing Act of 1978 to prohibit the use of performance-enhancing drugs in horseracing, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DENHAM:

H.R. 1734. A bill to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Oversight and Government Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL:

H. Con. Res. 48. Concurrent resolution expressing the sense of Congress that the Secretary of the Navy should name a Littoral Combat Ship the U.S.S. Ypsilanti, in honor of Ypsilanti, Michigan; to the Committee on Armed Services.

By Mr. PAYNE (for himself and Mr. FORTENBERRY):

H. Con. Res. 49. Concurrent resolution supporting the goals and ideals of World Malaria Day, and reaffirming United States leadership and support for efforts to combat malaria as a critical component of the President's Global Health Initiative; to the Committee on Foreign Affairs.

By Mrs. LOWEY (for herself, Ms. BORDALLO, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. FRANK of Massachusetts, and Mrs. MALONEY):

H. Res. 246. A resolution supporting the goals and ideals of National Celiac Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MACK (for himself, Mr. BISHOP of Utah, Mr. BARTLETT, Mr. BROUN of Georgia, Mr. LAMBORN, Mr. HENSARLING, Mr. GINGREY of Georgia, Mrs. BLACKBURN, Mr. CHAFFETZ, Mr. POE of Texas, Mr. KLINE, and Mr. FRANKS of Arizona):

H. Res. 247. A resolution calling for the Bolivarian Republic of Venezuela to be designated a state sponsor of terrorism for its support of Iran, Hezbollah, and the Revolutionary Armed Forces of Colombia (FARC); to the Committee on Foreign Affairs.

By Mr. OWENS:

H. Res. 248. A resolution honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H. Res. 249. A resolution supporting K-12 geography education; to the Committee on Education and the Workforce.

By Mr. RUPPERSBERGER:

H. Res. 250. A resolution congratulating and commending Free Comic Book Day as an enjoyable and creative approach to promoting literacy and celebrating a unique American art form; to the Committee on Oversight and Government Reform.

By Mr. SCHOCK (for himself, Mr. DIAZ-BALART, Mr. CUELLAR, and Mr. MEEKS):

H. Res. 251. A resolution urging the President to expedite the submission of the United States - Colombia Trade Promotion Agreement to Congress; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. SULLIVAN:

H.R. 1705.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. DAVIS of Kentucky:

H.R. 1706.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. RUSH:

H.R. 1707.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

''The Congress shall have Power ''to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

By Mr. RIGELL:

H.R. 1708.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress). In addition, the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clauses 12, 13, and 14 of the United States Constitution.

By Ms. SLAUGHTER:

H.R. 1709.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18).

By Mr. BURGESS:

H.R. 1710.

Congress has the power to enact this legislation pursuant to the following:

The attached bill falls under Congress' authority to regulate interstate commerce pursuant to Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. CARSON of Indiana:

H.R. 1711.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of section 9 of article I of the Constitution, Clause 1 of section 8 of article I of the Constitution, and clause 18 of section 8 of article I of the Constitution.

By Mr. CASSIDY:

H.R. 1712.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution,

By Mr. CONNOLLY of Virginia:

H.R. 1713.

Congress has the power to enact this legislation pursuant to the following:

Article 1

By Mr. DOLD:

H.R. 1714.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3, which provides Congress the power ''to regulate commerce with foreign nations.'' This legislation authorizes sanctions with respect to the transfer of goods or technologies to Iran that may be used to commit human rights abuses. Additionally, the democracy promotion aspect of the legislation implicates the power to ''provide for the common defense'' under Article 1, Section 8, clause 1.

By Ms. FOXX:

H.R. 1715.

Congress has the power to enact this legislation pursuant to the following:

Clause 7 of Section 9 of Article 1 of the Constitution which states ''No money shall be drawn from the Treasury, but in consequence of appropriations made by Law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.''

By Mr. HOYER:

H.R. 1716.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact the Job Opportunities Between our Shores Act pursuant to Clause 1 of Section 8 of Article I of the Constitution of the United States.

By Ms. KAPTUR:

H.R. 1717.

Congress has the power to enact this legislation pursuant to the following:

Article I. Section 8.

More specifically,

Clause. 1. of Section. 8. of Article. I.;

Clause. 3. of Section. 8. of Article. I; and

Clause. 18. of. Section. 8. of Article I.

By Mrs. LOWEY:

H.R. 1718.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution

By Mrs. MCMORRIS RODGERS:

H.R. 1719.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority in which this bill rests is the power of the Congress to regulate commerce and provide for the general

welfare as envisioned and enumerated by Article I, Section 8, Clauses 1 and 3.

By Mr. OWENS:

H.R. 1720.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Mr. PIERLUISI:

H.R. 1721.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of the Congress to provide for the general welfare of the United States, as enumerated in Article I, Section 8, Clause 1 of the United States Constitution, and to make all laws which shall be necessary and proper for carrying into execution such power as enumerated in Article I, Section 8, Clause 18 of the Constitution.

By Ms. PINGREE of Maine:

H.R. 1722.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 4 Section 8, Clause 3 of the United States Constitution.

By Mr. POSEY:

H.R. 1723.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. ROTHMAN of New Jersey:

H.R. 1724.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. RUPPERSBERGER:

H.R. 1725.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. RUPPERSBERGER:

H.R. 1726.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. RUPPERSBERGER:

H.R. 1727.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18

By Mr. RUPPERSBERGER:

H.R. 1728.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Mr. RUPPERSBERGER:

H.R. 1729.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

By Ms. SEWELL:

H.R. 1730.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 And The Sixteenth Amendment

By Ms. TSONGAS:

H.R. 1731.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14:

To make Rules for the Government and Regulation of the land and naval Forces.

By Mr. VAN HOLLEN:

H.R. 1732.

Congress has the power to enact this legislation pursuant to the following:

This legislation is consistent with Sections 7 and 8 of Article I of the United States Constitution and the Sixteenth Amendment to the United States Constitution.

By Mr. WHITFIELD:

H.R. 1733.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. DENHAM:

H.R. 1734.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1 (relating to providing for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress) and clause 17 (relating to authority over the district as the seat of government), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. ROONEY.

H.R. 104: Mr. MILLER of Florida, Mr. LUCAS, Mr. MURPHY of Connecticut, Mr. GUINTA, and Mr. NUNNELEE.

H.R. 177: Mr. WITTMAN and Mr. SCALISE.

H.R. 245: Ms. HAYWORTH.

H.R. 287: Mr. DEUTCH and Ms. WATERS.

H.R. 298: Mr. DOGGETT Mr. PAUL, Mr. MCCAUL, and Mr. HENSARLING.

H.R. 350: Mr. MCGOVERN.

H.R. 390: Ms. HERRERA BEUTLER.

H.R. 421: Mr. SOUTHERLAND and Mr. BUCSHON.

H.R. 451: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 452: Mr. RIBBLE, Mr. AMASH, and Mr. ROSKAM.

H.R. 459: Mr. LATTA and Mr. WU.

H.R. 466: Ms. SUTTON, Mr. HOLDEN, Ms. WOOLSEY, Mr. LOBIONDO, Ms. PINGREE of Maine, and Mr. AKIN.

H.R. 488: Mr. SHUSTER and Mr. FITZPATRICK.

H.R. 502: Mr. LARSEN of Washington and Mr. CICILLINE.

H.R. 601: Mr. ROTHMAN of New Jersey.

H.R. 610: Mr. GRIFFIN of Arkansas.

H.R. 615: Mr. RIGELL, Mr. DAVIS of Kentucky, Mr. AUSTIN SCOTT of Georgia, and Mr. BENISHEK.

H.R. 642: Mr. JOHNSON of Ohio and Mr. AUSTRIA.

H.R. 645: Mr. FLAKE, Mr. AMASH, Mr. BENISHEK, Mr. LANKFORD, Mr. BARTLETT, Mr. HANNA, Mr. GRAVES of Georgia, Ms. FOXX, Mr. RIGELL, Mr. DAVIS of Kentucky, Mr. BACA, and Mr. NUGENT.

H.R. 674: Mr. KLINE, Mrs. ROBY, Mr. RENACCI, Mr. CARDOZA, Mr. MURPHY of Connecticut, Mr. JOHNSON of Georgia, Mr. WITTMAN, Mr. GENE GREEN of Texas, Mr. WU, Mr. CUMMINGS, Mr. STIVERS, and Mr. CASSIDY.

H.R. 680: Mr. COBLE and Mr. COFFMAN of Colorado.

H.R. 724: Mr. LARSEN of Washington and Mr. CICILLINE.

H.R. 735: Mr. SCALISE and Mr. ROGERS of Michigan.

H.R. 740: Mr. MURPHY of Connecticut and Mr. KINZINGER of Illinois.

H.R. 743: Mr. WITTMAN.

H.R. 763: Ms. HERRERA BEUTLER.

H.R. 765: Mr. MCCLINTOCK.

H.R. 780: Mr. HOLT.

H.R. 788: Mrs. MCCARTHY of New York.

H.R. 835: Mr. TIERNEY.

H.R. 865: Mr. LARSEN of Washington.

H.R. 886: Mr. GOWDY and Mr. MILLER of Florida.

H.R. 891: Mr. CARSON of Indiana.

H.R. 913: Mrs. NAPOLITANO.

H.R. 929: Mrs. MALONEY.

H.R. 931: Mr. THORNBERRY.

H.R. 965: Ms. LINDA T. SÁNCHEZ of California, Ms. MOORE, Mr. HASTINGS of Florida, and Ms. KAPTUR.

H.R. 992: Mr. CICILLINE.

H.R. 997: Mr. STEARNS, Mr. DESJARLAIS, Mr. CAMP, Mr. MANZULLO, Ms. HERRERA BEUTLER, Mr. CALVERT, Mr. BILBRAY, Mr. WOMACK, and Mr. SCOTT of South Carolina.

H.R. 1000: Ms. ROYBAL-ALLARD.

H.R. 1001: Mr. OWENS, Mr. BISHOP of Georgia, and Mr. BISHOP of New York.

H.R. 1006: Mr. PENCE.

H.R. 1025: Mr. COHEN and Mr. BOREN.

H.R. 1028: Ms. LORETTA SANCHEZ of California and Ms. LEE of California.

H.R. 1047: Mr. FORBES, Mr. QUAYLE, Mrs. MYRICK, Mr. BONNER, and Ms. JENKINS.

H.R. 1057: Mr. PAYNE, Mrs. CAPPS, and Mrs. MCCARTHY of New York.

H.R. 1058: Mr. HIGGINS, Ms. HIRONO, Mr. SMITH of Washington, Mr. SHERMAN, Mr. CHANDLER, Mr. ANDREWS, Mr. LUJÁN, Ms. PINGREE of Maine, Mr. RUSH, and Mr. MATHESON.

H.R. 1081: Mr. OLSON, Ms. DEGETTE, Mrs. MILLER of Michigan, and Mr. STEARNS.

H.R. 1084: Mr. THOMPSON of California, Mr. BLUMENAUER, Ms. CASTOR of Florida, Mr. COHEN, and Ms. NORTON.

H.R. 1093: Mr. PETERSON, Mr. CALVERT, Mr. HEINRICH, Mr. MCCOTTER, Mr. AUSTIN SCOTT of Georgia, Mr. BARTLETT, Mr. NUGENT, Mr. LANKFORD, Mr. CRAVAACK, Mr. WESTMORELAND, Mr. ROE of Tennessee, Mr. POMPEO, Mr. REHBERG, Mr. ROGERS of Alabama, Mr. THOMPSON of Pennsylvania, Mr. GRIFFIN of Arkansas, Mr. KLINE, Mr. GRAVES of Georgia, Mr. HANNA, Mr. RENACCI, Ms. FOXX, Mr. CARTER, Mr. LABRADOR, and Mr. BACA.

H.R. 1106: Mr. BISHOP of Georgia, Mr. JOHNSON of Georgia, Mr. ISRAEL, Ms. BORDALLO, Ms. BALDWIN, Mr. WU, Mr. LUJÁN, and Mr. PASTOR of Arizona.

H.R. 1121: Ms. JENKINS and Mr. MCKINLEY.

H.R. 1154: Mr. WOMACK.

H.R. 1161: Mr. GIBBS, Mr. NUGENT, Mr. MICA, Mr. PLATTS, Mr. SHUSTER, Mr. COLE, Mr. DINGELL, Mr. CONNOLLY of Virginia, and Ms. CASTOR of Florida.

H.R. 1176: Mr. MURPHY of Connecticut and Mr. BISHOP of New York.

H.R. 1179: Mr. GRIFFITH of Virginia and Mr. MCCOTTER.

H.R. 1181: Mr. LATTA, Mr. ROKITA, Mr. WALBERG, Mr. HARRIS, Mr. BISHOP of Utah, Mr. GOWDY, Mr. MACK, and Mr. FLORES.

H.R. 1195: Mr. BOSWELL, Mr. PLATTS, Mr. GUTIERREZ, Mr. AKIN, Mr. RUNYAN, Mr. SHIMKUS, Mr. CRAWFORD, Mr. JACKSON of Illinois, Mr. SCOTT of Virginia, and Ms. BALDWIN.

H.R. 1219: Mr. SCOTT of Virginia, Mr. PLATTS, and Mr. GUTIERREZ.

H.R. 1236: Mr. CARNAHAN, Mr. LEWIS of Georgia, Mr. CUELLAR, Mr. ALEXANDER, Ms. LINDA T. SÁNCHEZ of California, Mr. WALBERG, Ms. SCHWARTZ, and Mr. HANNA.

H.R. 1244: Mr. ALEXANDER and Mr. HINCHEY.

H.R. 1259: Mr. WOMACK.

H.R. 1265: Mr. KLINE, Mr. AKIN, and Mr. TIBERI.

H.R. 1287: Mr. FORBES.

H.R. 1288: Mrs. CHRISTENSEN, Mr. HOLDEN, and Mr. HINCHEY.

H.R. 1299: Mr. BARLETTA and Mr. YOUNG of Indiana.

H.R. 1323: Mr. YOUNG of Indiana and Mr. STUTZMAN.

H.R. 1327: Mr. LATHAM, Mr. COFFMAN of Colorado, Ms. CLARKE of New York, Ms. CASTOR of Florida, Mr. MACK, Mr. PLATTS, Mr. GRIJALVA, Mr. CHANDLER, Mr. RIVERA, Mr. BURTON of Indiana, and Mr. PALAZZO.

H.R. 1367: Mr. CICILLINE.
H.R. 1370: Mrs. BLACKBURN.
H.R. 1385: Mr. PAUL.
H.R. 1397: Mr. WATT.
H.R. 1402: Mr. BRADY of Pennsylvania.
H.R. 1422: Mr. WELCH.
H.R. 1433: Mr. COHEN, Mr. PENCE, and Mr. GENE GREEN of Texas.
H.R. 1439: Mr. THOMPSON of Mississippi.
H.R. 1465: Mr. MCINTYRE.
H.R. 1466: Mr. HONDA and Mr. GRIJALVA.
H.R. 1489: Mr. JACKSON of Illinois.
H.R. 1505: Mr. COFFMAN of Colorado, Mr. CANSECO, and Mr. REHBERG.
H.R. 1510: Mr. MCKINLEY.
H.R. 1513: Ms. MOORE, Mr. TONKO, Mrs. MCCARTHY of New York, Mrs. NAPOLITANO, Mrs. LOWEY, Mr. MCNERNEY, Mr. WEINER, and Ms. DELAURO.
H.R. 1515: Mr. FILNER and Mr. MCGOVERN.
H.R. 1546: Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. ELLISON, Mr. LATOURETTE, Ms. BALDWIN, Mr. GONZALEZ, Mr. WU, Mr. WALZ of Minnesota, Mr. RUPPERSBERGER, Mr. HIGGINS, Mr. LARSEN of Washington, and Mr. GALLEGLY.
H.R. 1551: Mr. KLINE and Mr. GRIMM.
H.R. 1555: Mr. ACKERMAN, Mr. RANGEL, and Mrs. MALONEY.
H.R. 1558: Mr. BARROW and Mr. MCCOTTER.
H.R. 1573: Mrs. HARTZLER.
H.R. 1574: Mr. VISCLOSKY, Mr. CONYERS, Mrs. CAPPS, and Mr. ELLISON.
H.R. 1576: Mrs. CAPITO.
H.R. 1588: Mr. WHITFIELD, Mr. BONNER, Mr. LATOURETTE, Mr. DAVID SCOTT of Georgia, Mr. GRAVES of Missouri, Mr. KING of Iowa, and Mr. SCHOCK.
H.R. 1596: Ms. HIRONO.
H.R. 1609: Mr. STIVERS, Ms. FOXX, Mr. MILLER of Florida, Mr. LATOURETTE, Mr. ROSS of Florida, Mr. BURTON of Indiana, and Mr. NUGENT.
H.R. 1612: Mr. ROSS of Arkansas and Mr. MCINTYRE.
H.R. 1621: Mr. JOHNSON of Georgia, Mr. ENGEL, and Mr. MILLER of Florida.
H.R. 1641: Mr. CULBERSON and Mr. ADERHOLT.
H.R. 1645: Mr. JACKSON of Illinois.
H.R. 1646: Mr. LONG.
H.R. 1653: Mr. LEWIS of Georgia and Ms. JENKINS.
H.R. 1671: Mr. STUTZMAN.
H.R. 1681: Mr. HONDA, Mr. RANGEL, Mrs. NAPOLITANO, Mr. BLUMENAUER, and Ms. PELOSI.
H.R. 1699: Mr. CULBERSON and Mr. BUCHANAN.
H.R. 1700: Mr. ROE of Tennessee, Mr. LAMBORN, Mr. TIBERI, and Mr. DUNCAN of South Carolina.
H.J. Res. 56: Mr. JOHNSON of Ohio and Mr. WILSON of South Carolina.
H. Con. Res. 12: Mr. FRELINGHUYSEN, Mrs. ADAMS, Mr. CONNOLLY of Virginia, and Mr. GONZALEZ.
H. Con. Res. 39: Mr. ROSS of Florida and Mrs. MYRICK.
H. Res. 20: Ms. LORETTA SANCHEZ of California, Ms. DEGETTE, Ms. CLARKE of New York, Mr. GUTIERREZ, Ms. RICHARDSON, Mr. WAXMAN, Mr. RANGEL, and Mr. FATTAH.
H. Res. 60: Mr. HARRIS.
H. Res. 77: Mr. AL GREEN of Texas.
H. Res. 83: Mr. BRALEY of Iowa, Mr. HANNA, and Mr. KILDEE.
H. Res. 98: Mr. DUNCAN of Tennessee, Mr. GOHMERT, and Mr. GRIFFIN of Arkansas.
H. Res. 134: Mr. CALVERT, Mr. HONDA, Mr. SHULER, and Mr. WU.
H. Res. 137: Mr. HEINRICH and Mr. THOMPSON of California.
H. Res. 185: Mr. SERRANO.
H. Res. 196: Mr. HANNA, Mr. GRIMM, and Mr. KISSELL.
H. Res. 221: Mr. TOWNS and Mr. HASTINGS of Florida.
H. Res. 231: Mr. POE of Texas, Mr. MCGOVERN, Mr. LANCE, Ms. LORETTA SANCHEZ of California, Mr. MCCLINTOCK, Mr. GENE GREEN of Texas, Mr. BRADY of Texas, Ms. RICHARDSON, and Ms. CHU.
H. Res. 240: Ms. NORTON, Mr. HIMES, Mr. MORAN, Ms. ESHOO, Mr. COSTA, Ms. SCHWARTZ, Mr. COURTNEY, Ms. BORDALLO, Mr. CICILLINE, and Mr. RICHMOND.
H. Res. 241: Mr. BURTON of Indiana, Mr. NUNES, Mrs. BLACK, Mr. WESTMORELAND, Ms. JENKINS, Mr. LAMBORN, Mr. WEBSTER, Mr. CHAFFETZ, Mr. STIVERS, Mr. LATOURETTE, and Mr. MCKINLEY.
H. Res. 242: Mr. STARK, Mr. THOMPSON of California, and Ms. DELAURO.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, MAY 4, 2011 *No. 59*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, the Father of mercies, show mercy to our Nation and the world. In Your mercy, give our Senators a discerning spirit so that they will understand our times and know exactly what they should do. Lord, instruct them in knowledge that transforms, enabling them to guide others through exemplary living. Provide for their needs, lighten their burdens, and fill them with Your joy. Refresh them with Your presence as You equip them to serve You and humanity.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 4, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

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. The Senate will be in a period of morning business for debate only until 12 p.m. with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

SCHEDULE

Mr. DURBIN. Madam President, the filing deadline for all second-degree amendments to S. 493, the small business jobs bill, is at 11 a.m. There will be up to two rollcall votes at noon. The first rollcall vote will be on the motion to invoke cloture on S. 493, the small business jobs bill. If cloture is not invoked on the bill, the Senate will immediately proceed to a second vote on the motion to invoke cloture on the nomination of John McConnell to be U.S. District Judge for the District of Rhode Island.

MIDWEST FLOODING

Mr. DURBIN. Madam President, hundreds of local first responders, 500 National Guardsmen, and hundreds of volunteers in southern Illinois are working around the clock to try to protect homes and communities from the rising waters of the Ohio River and other rivers in the region.

I have a photo that shows the devastation, which I witnessed personally last Friday. This is an area of southern Illinois, one that has been hard pressed economically, has been struggling, and now is inundated with flooding.

A few days ago when I visited Olive Branch and Cairo, IL, near the southern tip of the State, I saw this flooding firsthand. Homes, barns, and roads were covered by floodwater. Voluntary evacuations have been called for in a dozen Illinois towns, and people are scrambling to find a place to stay with friends and family and shelters to wait out the flood.

They worry about what will happen, when they will get back in their homes, and when the kids will get back to school.

This is another photo which demonstrates the kind of floodwaters that people are struggling with in my part of the world in southern Illinois. My colleague, Senator KIRK, was in southern Illinois over the last couple of days and has witnessed this firsthand as well.

We are both prepared to do whatever we can to help our State and all of the States in the region that have been affected by this terrible flooding. In many cases this flooding is, unfortunately, going to be there for some time.

One of the properties I showed was in Cairo, IL. The water is already waist high and will continue to rise. It can be weeks before people can return home to see what, if anything, they can salvage.

Late Monday night, the Army Corps of Engineers made a very difficult decision. They blew a hole in a levee on the Missouri side of the Mississippi River near Cairo, IL, to relieve pressure on the levee and on other levees along the Ohio and Mississippi Rivers. That decision will flood farmland, and that flooding will relieve some of the pressure on the towns and communities,

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the families and homes which have been threatened by these rising river waters.

The decision to disable the levee at Birds Point in Missouri, as difficult as it was, may have saved the lives of some of the nearly 3,000 people in Cairo, IL, and surrounding communities. There are early indications that the Army Corps plan is starting to work. The Ohio River has already dropped 1½ feet at Cairo since 10 o'clock Monday night. Engineers estimate the water level may go down as much as 7 feet as a result of the release of water at Birds Point.

I want to make it clear to the people of Missouri, to my colleagues from Missouri, that I will stand with them to make certain there is compensation given to those farmers and homeowners who were affected by this decision to open this levee. Their misfortune is going to spare literally thousands of homes and businesses from the inundation of these floodwaters, and we should stand with them just as if they were the victims of the original flooding.

I am thankful for the good news that the river levels are coming down, but the flooding is far from over. Water continues to rise and overtop levees throughout the southern part of my State. My heart goes out to the men and women piling sandbags, to the National Guard—God love them; every time we have an emergency in our State, they are there working night and day—also to the men and women of the Army Corps of Engineers, the Illinois Department of Natural Resources, the Illinois Emergency Management Agency, and all of the agencies—Federal, State and local—that are pitching in.

I stand ready with Senator KIRK to help in any way we can in Illinois and here in Washington over the next few days and weeks.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

DEBT LIMIT

Mr. MCCONNELL. Madam President, although lawmakers returned to Washington this week amidst news of a signal achievement in the war on terror, we also return to many critical debates about the situation here at home.

Gas prices are straining budgets and threatening to stall the economic rebound we have all been waiting for. Millions of men and women across the country still can not find a job.

And the two major parties have now presented competing visions of our economic future.

Republicans have shown that we are committed to creating an environment in which the private sector can flourish and create jobs, the jobs Americans need. As part of that effort, we outlined a comprehensive jobs agenda yesterday.

And today we will oppose prematurely ending debate on the small business bill. The other side has refused to allow votes on some of the best ideas Republicans have offered for creating jobs as a part of this legislation, including an important amendment by the ranking member of the Small Business Committee, Senator SNOWE. And we intend to oppose their efforts to short circuit this debate until they do.

Republicans are also committed to stopping the administration's inexcusable war on American energy at a time of near-record gas prices. And we are committed to repealing the Democrat health care bill that is already raising costs and destroying jobs.

But hovering above all of this is a growing fear about our Nation's debt.

The administration knows this. That is the reason for tomorrow's debt meeting at the White House.

So this morning I would like to start there, because anyone who has felt even the slightest twinge of pain from the recession has a vested interest in this debate.

Here is why: if we do not act to reduce our debt, this country could very well experience a crisis that makes the economic meltdown of 2008 look like a slow day on Wall Street.

That is not my conclusion.

That is the conclusion of the Democrat cochair of President Obama's own debt commission, a man who has spent the last year looking at this issue from every conceivable angle and who is now telling anybody who will listen that America faces, in his words, ''the most predictable economic crisis in history.''

Few of us saw the last crisis materialize. This one we can see. And a growing number of people now recognize that the upcoming vote on the debt limit provides us with the single best opportunity we have to avoid this crisis before it strikes.

This is the moment to get serious about preventing this approaching crisis and to show the world that we can come together, not for the sake of party but for all Americans.

The world is waiting for America to get its fiscal house in order. The fact that members of both major parties are now showing a willingness to do it is an encouraging sign.

But if we are actually going to do this, more Democrats in Washington have to acknowledge the problem, and the urgency of addressing it now, in a serious way.

I realize that for some people that is a difficult thing to do. We are all grateful to the President's decisiveness over the weekend in going after Osama bin Laden. He is to be congratulated for it. Yet over the past 2 years, we have had many crises. And all too often, it seemed the hardest decision for the President was not whether to solve these crises but whether or not to give a speech about them.

Last year, we waited for weeks to hear the President's position on one of the biggest ecological disasters in history. And throughout this past winter and spring, we waited to hear what he thought about a debt that had spiraled so out of control that America's economic outlook has been downgraded to ''negative'' for the first time ever.

We can not wait for the President on this one.

The consequences of sweeping our problems under the rug again are just too great.

So let me be clear: As even some Democrats have conceded, a failure to do anything meaningful about the debt would be far more harmful to our economic future than a failure to raise the debt limit.

The warnings are simply too loud to ignore.

In early 2008 most of us had no idea we were headed for a financial crisis. Only a few prophetic voices were saying anything about the dangers in the housing market.

Over the past few years, we have seen the painful consequences of that crisis: unemployment lines, lost savings, millions of homes foreclosed.

Despite this largely unforeseen economic catastrophe, the American people have dug in. They have worked harder. They have tried to drag the country back to fiscal health.

It has not been easy, but they have struggled every day to get us back on our feet.

What I am saying this morning is that the danger posed by the debt is not uncertain.

It is coming right at us.

It is, as the cochair of the President's Debt Commission put it, the most predictable crisis in history. And anyone who is more concerned about raising the debt ceiling than in using this debate as an opportunity to prevent this most predictable crisis will answer for it. The American people will make sure of it.

Some may continue to deny that we need to do something about the debt; that the only thing we need to do is raise the debt limit and leave it at that. They want people to think this is all just some political exercise, and that we all just vote according to the President's political affiliation anyway.

Those days are over. Anyone who continues to pretend otherwise is not just deluding themselves. They are deluding the American people.

There isn't a single one of us who has not vowed to do everything in our power to prevent the next crisis from happening. Now we know for certain—absolutely certain—it is on the way—unless we act to prevent it. Raising the debt limit alone will not prevent this crisis; it simply avoids it.

That is why the only way we can claim we have actually done something

meaningful in this debate is to insist on meaningful reforms as the price of our vote. Yes, we have had clean debt ceiling votes before. That was before S&P gave us a negative outlook for the first time ever and told us we risk a downgrade unless we get our fiscal house in order. That was before the world's largest private holder of U.S. Treasurys dumped its share of U.S. debt. That was before a commission that has spent a year studying this issue told us we are headed for ruin unless we act to prevent it. That was before this administration added trillions to the debt and submitted a budget plan this year that called for another $13 trillion in debt over the next 10 years alone.

The crisis is here. The time to act is now.

We hear a lot from administration officials about what a catastrophe it would be if we didn't raise the debt ceiling, and there may very well be some merit to that argument. But what good would it do to raise the limit and wait for the disaster to strike? We might as well tell people to move to the second floor in case of a fire on the first floor.

My constituents do not have the jobs to lose. Kentucky doesn't have the wealth to give away. We have seen the consequences of a recession we did not predict. There is no excuse not to do everything in our power to prevent one we know is coming.

So let me suggest a way forward in this debate.

No. 1, pitting one group of Americans against another isn't going to solve the problem. In fact, it is part of the problem. We all know it is going to take all of us working together to get out of this crisis, so why don't we start acting like it?

No. 2, there are not enough taxes Americans, rich or poor, can pay to sustain the kind of spending Democrats in Washington want. The President may say he wants to tax the rich, but sooner or later he is going to have to tax everyone else to pay for his plans. What is more, we all know raising taxes would stall the rebound we all claim we want. So let's admit we do not have a revenue problem; we have a spending problem.

No. 3, we all know entitlements need to be part of this discussion. It is about time everyone starts acknowledging it. I have seen the ads about lawmakers voting to end Medicare. Let's be honest and admit nobody is talking about taking anybody's Medicare. Frankly, it is pathetic to claim otherwise, and it only makes the problems harder to solve.

No. 4, let's discuss the art of the possible. We all know tax increases would not pass the House because of the damage they do to family budgets and businesses, and a bipartisan majority in the Senate opposes raising taxes on families, on energy production, and small businesses across America. So let's set that aside and find common ground.

Everyone has a stake in this debate. If we face up to it as adults, we will not only prevent a crisis, we will preserve our common way of life, and we will show the world the United States can solve its problems head on. Millions of Americans are looking for work and struggling every day to rebuild their lives. Families and small businesses are being squeezed by gas prices and an administration that refuses to do anything about it.

We will have debates about this in the days ahead, and Republicans will continue to make the case for tapping our own energy resources. We will make the case against new taxes and regulations and a health care law that is stifling jobs and creating new burdens. But all these efforts rise or fall on whether we do something about our debt.

It is time to show we can tackle the big stuff. The stakes are too high to let this debate come and go without acting. Denying the problem will not solve it. Avoiding the problem until the next election will not solve it. Giving speeches about the problem will not solve it. The time has come to act.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

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

The ACTING PRESIDENT pro tempore. Morning business.

NOMINATION OF JOHN McCONNELL

Mr. WHITEHOUSE. Madam President, I rise to speak in support of the nomination of John McConnell to be a U.S. district judge in my home State of Rhode Island. I had the occasion yesterday to be on the floor and to associate myself with the remarks of my senior Senator, JACK REED, but I wish to add some remarks of my own regarding how worthy an addition to the Federal bench Jack McConnell will be and to urge my colleagues to support his nomination and, in particular, to support an up-or-down vote on his nomination.

The McConnell nomination has been reported on three separate occasions by the Senate Judiciary Committee, each time with a bipartisan vote. This bipartisan backing is not a surprise, given the broad support his nomination has found across the political spectrum in my home State of Rhode Island. I will not read all the quotes of support from prominent Republicans back home, but let me just touch on a few.

Republican former Chief Justice Joseph R. Weisberger, an extraordinarily respected jurist of our State's supreme court, stated, for example, that McConnell:

> . . . would be superbly qualified to preside as a Federal judge over the most challenging and complex cases. He is a man of keen intelligence and impeccable integrity. He would be a splendid addition to the distinguished bench of the United States District Court of Rhode Island.

Republican former attorney general of Rhode Island Jeffrey Pine provides equally glowing reviews:

> Throughout his career, Jack has demonstrated the kind of legal ability, integrity, dedication to his client, and willingness to fight hard for the cause of justice that makes him a truly outstanding candidate for the Federal judiciary. . . . In my opinion, he would bring the kind of experience to the Federal bench that would make him an outstanding judge presiding at trials, and a fair and impartial arbiter for those who come before him.

I would add that Attorney General Pines' Republican predecessor as attorney general, Arlene Violet, has been equally complimentary.

John Harpootian, the former Republican Party vice-chair, has added:

> One of the greatest characteristics that I admire about Jack so much is that, despite political differences of opinion, he never allowed those differences to become personal or to cloud his judgment. As a result, we have always enjoyed spirited conversation regarding political issues, but have remained great friends. These characteristics lead me to unqualifiedly support Jack's confirmation to the United States District Court for Rhode Island.

There has been similar support beyond the Republican Party from the editorial board of our State's leading newspaper, The Providence Journal, owned by the Alexis Belo Corporation. Despite disagreeing with McConnell on major litigation he brought in private practice, the paper wrote not one but two separate editorials supporting his nomination. The paper opined, for example:

> Jack McConnell, in his legal work and community leadership, has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist.

The Providence Chamber of Commerce has weighed in to praise him as a ''well-respected member of the local community.'' Jack certainly has richly deserved that title with all his various community service throughout the years, whether for Crossroads Rhode Island, the State's largest homeless center, Providence's Trinity Repertory Theater, the Providence Tourism Council or other organizations.

In sum, those who know Jack McConnell as a lawyer and as a person recognize that he will be a great district court judge, with a proper understanding of the limited judicial role. A native Rhode Islander and a graduate of Brown University, McConnell will make his State proud in his service on the Federal bench, particularly at a time when our court is straining under the workload caused by the vacancy he would fill.

Unfortunately, out-of-State interest groups have politicized the McConnell nomination. I am not going to spend time now rebutting every argument these special interests and their well-paid lawyers have concocted to attack this nomination. Suffice it to say that Jack McConnell has answered all the questions posed to him by this body, leaving no doubt about his legal skill or his integrity.

I will briefly make two points, however.

No. 1, yes, Jack McConnell brought lawsuits against powerful industries, including tobacco, asbestos, and lead paint. There is nothing wrong with that. There is no dishonor in representing poisoned kids, lung cancer patients or the bereaved widow of a mesothelioma victim. It should not disqualify MCCONNELL or anyone from confirmation. The most important measures of a judicial nominee are legal expertise, strong character, and a proper understanding of the judicial role, and those are qualities that Jack McConnell possesses in abundance.

Yes, Jack McConnell has been active in politics, much like he has been active in many other aspects of Rhode Island public life. The question, however, is not whether he has been politically engaged in the past but, rather, whether he will put aside his political advocacy when he goes on the bench. I know he will. My senior Senator, JACK REED, knows he will. Mr. McConnell testified before the committee that he would. Consider what Judge Bruce Selya of the First Circuit Court of Appeals, a Republican appointee, said when interviewed by The Providence Journal:

It would be a terrible rule to say candidates should be excluded if they donate to their political parties in a perfectly legal fashion.

The paper continued, describing the interview with Judge Selya:

Selya said that when Senators weigh the credentials of political contributors who are nominated to the Federal bench, the proper question is not how much money did they give, but rather, can they make the transition from partisans to impartial jurists. The judge said he believes McConnell can do that.

Judge Selya is not only a leading Republican jurist in Rhode Island, he is also a man of impeccable integrity, and his vouching for Jack McConnell is entitled to considerable weight among all those who know Judge Selya.

We must not disqualify talented and successful advocates merely because of their prior political or legal advocacy. Some of my Republican colleagues may not like the suits McConnell chose to bring. I do not share that view, but fair enough. We should remember, however, that lawyers we disagree with can make the transition from advocate to arbiter. Lawyers nominated by Republican Presidents who defended corporations all their private practices simply do not have a monopoly over the proper judicial mindset.

Let me make a last point before I close. The tradition of this body has been to give up-or-down votes to district court nominations reported favorably by the Judiciary Committee and who have the support of both home State Senators. That is an important tradition in this body. Cloture has not historically been required. The Congressional Research Service reports that from 1949 to 2009—over six decades—only three cloture motions were ever made on district court nominations and, in each case, each nomination ultimately was confirmed without the 30 hours of postcloture time being used. For every other district court nomination in that 60-year stretch, no cloture motion has been necessary.

We have departed from that tradition in this case, and I fear it is a consequential departure. The majority leader has been forced to file a cloture motion on this nomination. I, nevertheless, hold out hope our Republican colleagues will allow the motion to be withdrawn and grant an up-or-down vote to be held in short order. Doing so would be the proper course of action, in keeping with this institution's best traditions and most conducive to future comity on nominations. Indeed, it would be consistent with the clearly held and firmly stated views my Republican colleagues have indicated in the past.

Once again, I urge my colleagues to support the nomination of John McConnell to the U.S. District Court for the District of Rhode Island. I urge them to give deference to the judgment of Senator REED and myself in this area and, at a minimum, to grant him the up-or-down vote that is Senate tradition for district court nominees backed by both home State Senators who have emerged, in this case in a bipartisan fashion, from the Judiciary Committee with clearance from the ABA and the FBI. Jack has proven himself to be an excellent lawyer and public-minded citizen of the highest integrity and he will be a great district court judge.

I thank the Acting President pro tempore and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to join my colleague, Senator WHITEHOUSE, in strongly supporting the nomination of Jack McConnell to be a United States district court judge for the District of Rhode Island. Indeed, as my colleague indicated, there is a big issue here beyond Mr. McConnell; which is whether we are going to institute a new threshold of cloture, which could be routinely applied to all district court judge nominees. As my colleague indicated, this is an extraordinary departure from the history of this Senate going back decades.

We have long adhered to the tradition that local Senators and the local legal community and the local civic community are the best judges for a potential nominee, subject, obviously, to the President's action and, quite importantly, to the review by the American Bar Association and, quite importantly, the background checks of the FBI, and, quite importantly and very, very importantly, to the deliberations of the Judiciary Committee here in the Senate. This has been the process for both Republicans and Democrats. It has extended over decades, and it is something I hope we can respect today through our deliberations and the conclusion of these deliberations.

Turning to Mr. McConnell, we are fortunate, I believe, to have an individual of his talent and his character. Jack is a graduate of Brown University and Case Western Reserve University Law School. He clerked for a justice of the Rhode Island Supreme Court. He has received numerous accolades and awards, such as the National Association of Attorneys General President's Award and Case Western Reserve University's Martin Luther King, Jr., Award. He has been named to numerous lists of the best lawyers. He has the top rating in both ethics and achievement from Martindale-Hubbell, which is the service that reviews and lists, practically, every attorney in the United States.

But I do not simply want to repeat Jack's extraordinary resume of hard work and success. I want to share some of my personal judgments. He is fundamentally and extraordinarily a decent and honest person. He started out from very humble beginnings. He has worked hard for everything he has accomplished in his life. Through his hours of not just legal work but pro bono work and volunteer work, he has contributed more to the community than anyone I can think of in my home State of Rhode Island. And he has done it without fanfare. He has done it without self-promotion.

He was raised by his late father, who served in Korea with the U.S. Marine Corps and continued to serve in the Marine Corps Reserve. His mother Jane was a teacher. They demonstrated to him the values of hard work and integrity and decency and honesty that have been the hallmark of his efforts and career.

While he was also juggling a very demanding legal career and a family and children, he took the time, early every Monday morning, to go to Amos House, which is a soup kitchen in Providence. It is where the poorest of the poor go simply to get some food for the day. He would quietly and anonymously serve breakfast, without publicity, without fanfare, because he saw this as being part of the community—someone responsible not just for personal success, but for contributing back because he has been fortunate in his life.

He was a Big Brother to a young man in the west end of Providence, a poor neighborhood. He has taught first communion classes in his parish for years. He has been a volunteer attorney at homeless legal clinics in Providence and Pawtucket—two of our central cities. He has served on numerous boards—Crossroads Rhode Island, the biggest and largest homeless service in the State of Rhode Island. He has been there working hard, tirelessly. He has chaired the Providence Tourism Council, which has worked with the Greater Providence Chamber of Commerce to promote the city of Providence.

These are the types of attributes, experiences, life experiences, that form a person and also provide the basis for being a judge. Because the quality I

think we all have to look for in a person, who is sitting in judgment of complicated civil cases, serious criminal cases, but ultimately cases involving men and women, is that they feel that this person understands them and will be fair to them, regardless of whether they are a large corporation or a poor person before the district court. I am convinced Jack McConnell will do that—impartially, deliberately, and carefully. These are the qualities he has exemplified throughout his career.

Jack enjoys strong support and broad support throughout the State of Rhode Island, and it is a reflection of his work not just as an attorney but as a civic leader. I have heard from members from the business community, the Rhode Island judiciary, the legal community, Republican and Democratic elected officials, members of the clergy, as well as individuals from Rhode Island's nonprofit sector and academic sector. All of them have submitted letters for the record, but I want to highlight a few.

The Greater Providence Chamber of Commerce called Mr. McConnell ''a well-respected member of the local community, leading important civic, charitable and economic development institutions including Crossroads Rhode Island, the Providence Tourism Council and Trinity Repertory Theatre.'' They do not oppose his nomination. If I were looking at the business community, I would look at the local business community, not the national, organized efforts, whose agenda is sometimes very far removed from the needs of the small business men and women of Rhode Island.

The Providence Journal, as my colleague has cited, has repeatedly editorialized in favor of his nomination. He has received emphatic and consistent endorsements. In May of 2010, they said:

Providence lawyer John J. McConnell Jr., whom President Obama has nominated to serve on the U.S. District Court for Rhode Island, is a very able attorney. He has also demonstrated much civic commitment and leadership as a very generous philanthropist and board member of various nonprofit organizations in our area.

Furthermore:

Jack McConnell, in his legal work and community leadership, has shown that he has the legal intelligence, character, compassion and independence to be a distinguished jurist.

After no action was taken on Mr. McConnell's nomination by this body in the previous session, the Providence Journal wrote, in November 2010, that Mr. McConnell is:

one of America's most able and successful litigators, and has been a very energetic and generous leader in philanthropies and other parts of community life. His character and deep love of the law suggest strongly that he will function as a disinterested judge—one able to look at the facts of each case in the light of a close and rigorous reading of statutory and constitutional law and precedent. Indeed, his legal work and community leadership suggest that he would be a distinguished jurist.

He is a man of tremendous character, recognized by community leaders. The Institute for the Study & Practice of Nonviolence—an innovative organization on the south side of Providence—their executive director, Teny Gross, wrote in strong support.

Rhode Island Supreme Court Justice Joseph Weisberger, one of the most respected jurists in the history of Rhode Island, said of his nomination:

His great experience as a litigator has given him exceptional knowledge of the intricacies of the rules and practice and procedures of federal courts. He would be superbly qualified to preside as a federal judge over the most challenging and complex cases. He would be a splendid addition to the distinguished bench of the United States District Court of Rhode Island.

Justice Weisberger is a former Navy veteran and a 45-year veteran of the Rhode Island bench, and he is a man who commands enormous respect in Rhode Island.

The Republican mayor of Rhode Island's second largest city, Scott Avedisian, has said:

Jack is a man of integrity, a strong sense of community, and a very fair and forward-thinking individual.

This is a Republican elected official: ''a very fair and forward-thinking individual.''

Business executive Merrill Sherman, an avowed believer in the free market, a very successful entrepreneur and banker, concluded Mr. McConnell ''has the temperament, demeanor and capacity to be an excellent federal trial judge.''

So if Mr. McConnell is so bad for business, why are business leaders in the State reflecting on his qualities and giving him accolades and predicting he will be a distinguished jurist?

John Harpootian, another major Republican attorney in the State, a distinguished attorney, stated:

In my view, however, the most important attribute is integrity. Time and again, Jack has proven that he is a man of great principle and integrity. While being a vigilant advocate for his clients and the causes that he has taken up during his professional career, Jack has always conducted himself in the most ethical and professional manner; a trait unfortunately sometimes not found among lawyers today.

One of the greatest characteristics that I admire about Jack so much is that despite political differences of opinion, he never allowed those differences to become personal, or to cloud his judgement.

I am hard pressed, again, to believe the suggestions that have been made that in some way Mr. McConnell is not a completely ethical person because every bit of evidence from Rhode Island—Republicans, Democrats, lawyers, business leaders—from a lifetime of observation suggests that he is ethical.

But perhaps the most compelling words are the words of former Rhode Island Republican Attorney General Jeff Pine. As Jeff concluded:

There is no question in my mind that Jack would be an honest, principled, ethical, and fair judge. He would be a credit to our state and judiciary. I enthusiastically support his candidacy for the position on the federal bench.

This is our former Republican attorney general.

If that judgment is not sufficient, let me render another judgment. This is in the form of a colleague, a former Pennsylvania Attorney General, a Republican, who is now a member of the U.S. Court of Appeals for the Third Circuit. This body, at the recommendation of the Pennsylvania Senators, years ago, under President George W. Bush, confirmed unanimously D. Michael Fisher to serve—after distinguished service as a Republican attorney general in Pennsylvania—as a circuit judge. Here is what Judge Fisher said:

I met and worked with Mr. McConnell when I was the elected Attorney General of Pennsylvania from 1996 to 2003. We worked very closely together on the national tobacco litigation . . . and worked closely with Mr. McConnell. . . . We spent considerable time together in New York and at meetings elsewhere and I had the unique opportunity to assess Mr. McConnell's legal abilities and his character which were both outstanding. . . . John J. McConnell Jr. is an outstanding nominee to serve on the U.S. District Court for the District of Rhode Island, and I enthusiastically support his nomination.

These are the words of a Federal circuit court judge, nominated by President George W. Bush and confirmed unanimously by this Senate.

Again, I implore my colleagues to listen to what people who know Jack McConnell have said and the words they have used: integrity, honesty, character, independence, impartiality. Those are the words used by people who know him, and that is the truth.

I urge not only on the merits, but also in terms of the traditions of the Senate that we allow this vote to come to a final vote and that we vote for Mr. McConnell.

But let my turn briefly to the claims made by some. Frankly, I am a little bit leery to address these supposed criticisms, but they have been leveled and I think there should be some response.

The first claim seems to be that Mr. McConnell is anti-business. Well, outside of the support he has received from business leaders from Rhode Island and the Providence Journal, which has a historic reputation going back several years of being a prominent supporter of business in Rhode Island, I think it is also good to reference the fact that two insurance industry trade associations—the National Association of Mutual Insurance Companies and the Property Casualty Insurers Association of America—originally signed a letter in 2010 that stridently attacked Mr. McConnell.

However, in December of 2010, both of these associations, which represent companies that scrupulously work for their shareholders, withdrew their opposition because they stopped and looked at the facts.

They spoke to their Rhode Island insurance company members. They examined the Republican support for Mr.

McConnell. They listened to what the Greater Providence Chamber of Commerce had to say. To quote from the National Association of Mutual Insurance Companies' letter:

Upon further consideration and consultation with our member companies in Rhode Island, and after evaluating support for Mr. McConnell from the local business community and former Rhode Island Attorneys General Arlene Violet and Jeffrey Pine, NAMIC withdraws its opposition to his nomination. . . .

Again, those who have carefully considered Jack McConnell have acknowledged that he will bring no personal agenda to the courtroom, as he has testified truthfully and accurately.

Another insinuation is that Mr. McConnell has not comported himself in an ethical manner. This is a serious charge. If any Senator is going to level this kind of assertion, they have to have clear and compelling facts on their side.

Indeed, in his over two decades of practice, Mr. McConnell has never had an ethics complaint alleged or filed against him. He has never had a malpractice claim alleged or filed against him. He has never had a rule 11 motion filed against him.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. REED. Madam President, I ask unanimous consent for 2 more minutes.

Mr. ALEXANDER. Madam President, reserving the right to object, then we would need to add 2 minutes to the Republican side, and I ask unanimous consent for that.

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

Mr. REED. There is a third claim against Mr. McConnell regarding the State of Rhode Island's lawsuit against a number of companies which, at one time, manufactured lead paint. Let me state for the record that this process had its start under a Republican Attorney General, Jeffrey Pine, and then continued under two succeeding attorneys general.

The lawsuit had precedent under Rhode Island law. While it was a lengthy and difficult trial, Judge Silverstein, a State superior court judge who oversaw this trial and was responsible for the court's business calendar, had nothing but praise for Mr. McConnell's involvement and that of his opposing counsels. Again, Judge Silverstein is one of our most respected judges by all sides and by the entire Rhode Island bar for his judgment, integrity, and his skill. He had nothing but praise for Mr. McConnell's involvement.

A fourth claim is an insinuation that Mr. McConnell received some kind of favoritism when the state selected a legal firm to bring the lead paint lawsuit. The facts are again different from the claim. First, Mr. McConnell and former Attorney General Pine discussed this issue within the context of the global tobacco litigation. Attorney General Pine then asked Mr. McConnell to provide a legal memo on this matter. Attorney General Pine reviewed the materials and believed the case was solid but did not want to undertake the case due to the end of his term. In 1999, AG Pine's successor, who happened to be Senator WHITEHOUSE, asked to be briefed on the matter. Then Attorney General WHITEHOUSE, asked another firm, DeCof and DeCof, to review the case, and this firm found the merits of the case to be factually and legally sound under Rhode Island law. The case was then actively litigated by the state under AG WHITEHOUSE's tenure. It was then reviewed by AG WHITEHOUSE's successor, who decided after much deliberation to continue the case. So there you have it. A Republican Attorney General chose Mr. McConnell more or less and his Democratic successors retained his firm.

I am also told this proposed arrangement was submitted to the court, the court reviewed it, and did not object to it. I am also told by Senator WHITEHOUSE that, indeed, the judge had the final approval of any type of payments made. That is the type of arrangement I think is well within the consistency and ethics of procedures within Rhode Island and across the Nation.

I could go on and on. I conclude by saying this: This is an individual of integrity, character, decency, education, talent, and skill. Today, we are on the verge, I hope, of confirming a district court judge nominee. If we reject this person through a cloture fight, we are setting up an extraordinarily dangerous precedent that in the future could be used to prevent individuals of character and talent from serving on the bench.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I ask unanimous consent that over the next 30 minutes Republican Senators led by the Senator from Ohio, Mr. PORTMAN, and including the Senator from Wyoming, Mr. BARRASSO, Senator CORNYN from Texas, Senator HOEVEN from North Dakota, and myself be permitted to engage in a colloquy.

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

RIGHT-TO-WORK LAW

Mr. ALEXANDER. Madam President, it seems as if every day there is some new action by the Obama administration that throws a big wet blanket over job creation in America. Republicans haven't been hesitant to point this out and talk about too many taxes, too many regulations, too much debt, higher gasoline prices, higher health care costs, and the health care law.

Yesterday, Senators GRAHAM and DEMINT and I introduced legislation to reaffirm section 14(b) of the Taft-Hartley Act to permit States, if they so chose, to have a right-to-work law, creating a competitive environment in which we can create more jobs in this country. This is in reaction to the action by the National Labor Relations Board that would basically say the Boeing Company could not expand into a nonunion State.

I ask unanimous consent to have printed in the RECORD an editorial in the Wall Street Journal today called ''Congress vs. the NLRB.''

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

CONGRESS VS. THE NLRB

President Obama's National Labor Relations Board has spent the year thumbing its nose at Congress by reinterpreting longstanding labor law on behalf of union friends. Congress is finally fighting back.

Tennessee GOP Senator Lamar Alexander along with South Carolina Senators Lindsey Graham and Jim DeMint are this week introducing legislation to rein in the labor board's latest assault on business. The board's complaint against Boeing, filed last month, is the first shot in a new union war on federal right-to-work law, a policy shift that is every bit as threatening as the drive to get rid of secret ballots in union elections.

Boeing decided 17 months ago to invest $2 billion building a new production plant for its 787 Dreamliner in South Carolina. It made the decision only after talks broke down with the International Association of Machinists and Aerospace Workers, whose members wanted the work at a unionized plant in Washington state. The union's many strikes over the years have cost Boeing a bundle. South Carolina, like 21 other states, has a right-to-work law, which forbids compulsory unionism.

The Obama NLRB nonetheless chose to make Boeing a whipping boy in a new offensive against right-to-work states. It filed a complaint demanding that an administrative law judge halt the South Carolina plant (set to open in July), and force Boeing to move production to Washington.

This despite the fact that Boeing made clear this is a new production facility or that it has added 12,000 jobs in Washington since announcing the South Carolina move.

No matter. The complaint's real target is the federal right-to-work guarantee. Among the most celebrated provisions of the 1947 Taft-Hartley Act is what's known as 14(b)—the section that allows states to pass right-to-work laws. The Boeing complaint guts that guarantee by effectively requiring companies to continue manufacturing in union states—or be found guilty of a rights violation. This is a union dream come true, on par with ''card check.''

As Senator Alexander tells us, this is a direct attack on a right-to-work law that was ''thoroughly debated'' by Congress in 1947 and ''remains clear today.'' The Alexander-Graham-DeMint legislation would clarify the existing provision, ensuring that state right-to-work laws cannot be pre-empted by the NLRB or union contracts. We're assuming the 11 Democratic Senators from right-to-work states will stand up for their non-unionized workers—if Senator Majority Harry Reid (from right-to-work Nevada) allows a vote.

Boeing will fight the NLRB complaint, though that might mean a protracted court fight. It also means more uncertainty for every business considering a move of future production facilities to a right-to-work state. Many of them may simply relocate manufacturing overseas.

This is the latest gambit from an Administration that has been ramping up its regulatory and enforcement powers on behalf of special-interest allies such as unions. The only check against this is Congress, so we're glad to see Members speaking up.

Mr. ALEXANDER. Madam President, as important as it is to say what we don't like about the Obama administration's job policy, it is even more important for us to say what Republicans will do to create an environment to make it easier and cheaper to create private sector jobs.

Senator PORTMAN of Ohio has a strong background as a budget director, as a Congressman, and as a trade negotiator in the Bush administration, and he has a good understanding, representing one of our largest and most important manufacturing States, of exactly what kind of policy it takes to create an environment for job growth. He has been working with Republican Senators so that we can clearly state our progrowth plan. We would like to discuss that.

I ask Senator PORTMAN, what would be the keys to the Republican plan to make it easier and cheaper to create private sector jobs?

Mr. PORTMAN. I thank my colleague from Tennessee. I happen to have the answer to his question. Yesterday—he is correct—we did propose a jobs plan, which is a series of commonsense proposals to get our economy back on track and create jobs across our country.

You will recall that a few years ago there was a stimulus effort in the Congress—the President's $800 billion stimulus plan—that was passed. The idea was to get the economy back on track. There were estimates that it would have a big impact on job growth and, in fact, reduce our unemployment numbers significantly. That didn't happen.

One of the reasons that didn't happen is because it relied too much on government providing the resources for jobs. Government doesn't create jobs, but government can create the climate for job growth. Our view is that we need to take a different approach. That approach is to stimulate private sector job growth and create that pro-growth environment.

The seven proposals we announced yesterday as part of our jobs plan include being sure that we do indeed deal with the deficit and debt because that is a negative impact today on our economy. In fact, there are economic studies out there showing that our GDP is much smaller than it would otherwise be but for the deficit and debt. Also, we need to reform the Tax Code to spur economic growth. Economists across the spectrum agree that we can stimulate economic growth by having a Tax Code that makes more sense for job creation.

Regulation is a major issue. We will hear from our colleagues who want to make sure we have regulatory relief for small businesses which are not able to create jobs because of the increased regulations coming from Washington.

We need a workforce that is more competitive, and that requires the Federal Government to do a better job on workforce development. Also, there is the need to increase and expand exports. The President has talked about that. We are eager to get trade agreements in Congress. We can create hundreds of thousands of new jobs immediately through expanding markets.

We also talked yesterday about energy. This is important. There are things we can do right now to get America less dependent upon foreign oil and use our own resources in this country more effectively. Then in terms of the health care circumstances—we will talk about this in a moment—every person I have talked to in Ohio, and I have been on over 200 factory visits in the last couple years—tells me the cost of health care is going up not down, which is making it harder to create jobs. We will talk about the need to reduce health care costs.

This is a commonsense, seven-point plan to get the economy moving and create jobs. It is incredibly important to get the unemployment numbers down and to be sure American families have opportunities. It is also very important, though, in terms of dealing with the debt and deficit because, although we need to restrain spending—and Congress is beginning to take small steps in that regard—we also need to grow the economy.

When we have 1.8 percent economic growth, which we had in the last quarter, which is anemic, weak, and not something we should be satisfied with, it is difficult to create that economic growth to help deal with this huge overhang of deficits and debts.

As the Senator from Tennessee said, we have other colleagues with us today, and Senator JOHN HOEVEN from North Dakota will talk about these issues, as will Senator BARRASSO from Wyoming. Senator CORNYN from Texas has just joined us.

I ask Senator HOEVEN, a former Governor of North Dakota—where there is about 3.6 percent unemployment and is a State that is producing domestic energy to help meet our needs and is a big State for exports—if he will talk about his ideas on job growth and how it fits into this job plan.

Mr. HOEVEN. Madam President, I say to my colleagues, Senators PORTMAN, ALEXANDER, BARRASSO, and CORNYN, that it is great to be here this morning to engage in this colloquy. I want to follow up on the points that my esteemed colleague referred to on both energy and trade. They are very important in terms of job creation for our country.

If I could, I will start for a minute on the comprehensive nature of this jobs plan that Republicans have put together. If we look at it, we will see that it is truly comprehensive. It is about living within our means, about reforming our Tax Code, without raising taxes, to create a progrowth environment, create jobs, and get our economy moving. It is about unburdening our economy from the overregulation that is hurting job creation. It is about helping to create a more competitive workforce to compete in a global economy. It is about increasing our exports, and it is about a truly comprehensive approach to energy that will help us develop all of our sources of energy, both traditional and renewable. It is also about commonsense health care reform. We need to do that because we have more than 15 million people who are unemployed. Every day they are unemployed is one day too many. We also have to get on top of this deficit and debt we face. That means controlling our spending, reducing our spending, but it also means growing our economy. That is the way to not only get people back to work but reduce the debt and deficit.

If we look at the 1990s when we were in a somewhat similar situation, that is exactly what we did. We need to go back and do that. North Dakota is a large energy-producing State—oil, gas, clean coal technology, and also the renewables, biofuels, and wind. But the way we did it wasn't through government spending. It was through creating a legal, tax and regulatory environment and creating certainty so that companies and entrepreneurs could invest in energy and advanced manufacturing and technology—the whole gamut. But there are hundreds of millions to billions of dollars today that would go into investments all over this country in the energy patch, both traditional sources and renewable sources of energy, with the latest, greatest technology—more energy, more dependable, and cost effective, with better environmental stewardship.

That is what this is about, creating the right environment. By the same token, we are looking at three different trade agreements: the South Korea Free Trade Agreement, the Colombia Free Trade Agreement, and the Panama Free Trade Agreement. These would create more economic activity. The Korea agreement alone is expected to increase U.S. exports to South Korea by $10 billion a year. We are talking hundreds of thousands of jobs.

We need to be working on those free-trade agreements right now, today, to approve them. I urge our leadership and the administration to work with us to get those trade agreements to the floor and get them approved as part of this comprehensive jobs plan.

I thank my esteemed colleagues again, and I commend Senator PORTMAN for his outstanding work on this plan. I thank all of the members of our caucus for the contributions they have made to this plan. Also, again, I express our desire to go to work with our friends across the aisle on all of these provisions for the benefit of all of those who are looking for work, for the benefit of our economy, and for the important role that economic growth, along with spending restraint, will play in helping us get on top of our debt and deficit.

With that, I turn the colloquy back over to Senator PORTMAN for his additional remarks.

Mr. PORTMAN. Madam President, I thank my colleague from North Dakota. He makes great points about the need for us to use our resources at home on energy and for us to expand exports because that immediately creates jobs in this country. He has done it. As a Governor, he rolled up his sleeves and got directly involved in economic development. He knows what it takes. The fact that he has been a champion of this plan and helped put it together gives me confidence that this is going to work.

We need to work on a bipartisan basis. We are reaching out to our colleagues on the other side of the aisle and the administration. So much of this is common sense. These are things we should do now.

We are also joined by our colleague from Wyoming. He is Wyoming's doctor. He is also a leader in the Senate and has taken the lead on a number of issues related to jobs, two of which are part of our jobs plan. One is, of course, the regulatory front, where he has taken the time to really dig into how these regulations affect business growth. He may have comments on that issue today.

I would like to hear Dr. BARRASSO on that point but also on the health care front where, as a doctor, he looked into what the impact of health care reform will be on jobs. This is something that perhaps does not get talked about enough. Unless we figure out a way to get health care costs under control, it will be harder for us to create opportunities in this country because the costs embedded in hiring a new employee under health care alone are so high that many companies are simply not hiring. I would love to hear his thoughts.

Mr. BARRASSO. Madam President, I thank Senator PORTMAN for the incredible job he has been doing as a champion of efforts to create more private sector jobs in this country, to make it easier and cheaper to create private sector jobs, for the private sector to create the jobs we need. Senator PORTMAN showed significant leadership in his campaign last year in Ohio developing the Portman jobs plan. He went to factories and small businesses all across the State of Ohio because he knows small businesses are the engines that drive the economy.

Seventy percent of the jobs created in this country are created by our small businesses one at a time. When there are government rules, regulations, redtape, and increased expenses, it makes it much harder because it does not provide the certainty the small businesses of this country need to create those new jobs. They may not be willing to take the additional risk and additional expense because of the unknown concerns.

I think that is one of the points that is highlighted in this wonderful plan Senator PORTMAN has put together, along with the members of the Republican Party. A big part of this plan has to do with the rules and regulations that come out of Washington, DC—rules and regulations that may not even be connected to laws that were passed in this body but rules and regulations put forward by this administration, by people who have a different view of how America works.

I was encouraged over 100 days ago when the President said he had an Executive order that would try to eliminate some of the redtape. Here we are 100 days later, and it is just another broken promise from this administration. The redtape continues to hold American small businesses hostage.

We are trying to cut through that redtape. The American people realize it. The administration may not realize it, but the American people realize it. When the American people were questioned just this last month about whether there are too few regulations or too many regulations and the impact on business, a majority said there are too many regulations on our businesses.

How much money does Washington spend on regulations? I will tell you, Madam President. Government spent a record $55 billion developing and enforcing rules last year—$55 billion developing and enforcing rules last year. That is just the spending of government. What is the impact on businesses around the country? For every $1 the government spends to put forth and enforce these rules, it costs businesses of this country $30. That is over $1.5 trillion expended by businesses across the country. That is a drag on our economy, making it harder for them—not easier but harder and more expensive for the private sector to create jobs. There is $30 of business expense for every $1 spent on rules and regulations out of Washington.

People are worried because it is going to get worse. There are still 224 rules in the pipeline that have been labeled as ''economically significant.'' What is an economically significant rule? It is a rule that has an impact on the economy of over $100 million. There are 224 of them coming down the line. Is it a surprise that the unemployment rate continues to be so high? It is because of the rules and regulations of this administration.

What do the American people believe about this situation? Over 70 percent of the American people believe several different things about the effect of the rules. I will tell my colleagues what they are. This is polling from just last month. They will tell you that additional environmental regulation increases the price of energy for items such as gasoline and electricity. Seventy percent of Americans believe the rules coming out of Washington increase the costs of items such as gasoline and electricity—the energy issues. How much is the pain at the pump costing the American family this year? About $800 per family this year in higher gasoline rates than last year. If you are a family, that has an impact on your quality of life. It has an impact if you are trying to deal with bills, kids, and a mortgage. But there are a lot of regulations out there. The American people see this.

Also, over 70 percent of the American people know in their hearts and believe that small businesses—the job creators of this country—are impacted much more than the large businesses of the country. But it is the small businesses we want to help.

The other point that more than 70 percent of the American people believe, in a poll by the Tarrance Group, is that if regulations make it too expensive to keep jobs in America, businesses will continue to move overseas. Businesses will continue to move overseas.

There is so much uncertainty with the rules and regulations coming out of this town that it is paralyzing the rest of our country. That is just on the rules and regulations aspect that people can see. There are so many rules and regulations that are still coming.

I was at a hospital in Cody, WY, talking about health care. I practiced medicine for 27 years, taking care of families all across the Cowboy State. I was visiting a hospital in Cody, WY, and they said they were trying to figure out one aspect of the health care law—accountable care organizations. It is 6 pages of the 2,700-page law that was crammed through in the middle of the night, with Americans saying: No we don't want this. The people who do regulations took 6 pages of the law and came up with over 400 pages of regulations. They just came out about a month ago. The hospital administrator said: We are having to take money away from patient care, from helping with nurses and therapists to pay for consultants to try to explain these rules and regulations to us so we can abide by them.

Those are the kinds of regulations and rules on steroids that I continued to hear about as I traveled in the last week or so at home visiting with people, visiting the communities, listening to what people have to say and the concern and the uncertainty because what is coming out of Washington is a drag on our economy. It is preventing us from making it easier and cheaper for the private sector to create more jobs.

People all across the country are concerned, and that is why I am so happy to be here with Senator PORTMAN today and his efforts, his leadership on a jobs plan that is one that focuses fundamentally on the things that will get government off the backs of the American people and let the American people get back to work. I thank Senator PORTMAN for his leadership at a time when we see a government that is borrowing too much, spending too much, and growing bigger every day. I am very appreciative of his efforts to get things back under control and get the decisionmaking out of

Washington and back to the hometowns and States across the country.

Mr. PORTMAN. Madam President, I thank Dr. BARRASSO. I appreciate the amount of time he has put into this regulatory issue and the relief small businesses need on the regulatory front. It is obvious he is out talking to businesses, and it is directly related to jobs because we cannot get the jobs back unless we reduce the cost of doing business that comes from these regulations.

Madam President, how much time do we have remaining in this colloquy?

The ACTING PRESIDENT pro tempore. There is 12 minutes 7 seconds on the Republican side.

Mr. PORTMAN. I thank the Presiding Officer.

Madam President, as I said, we are also joined by Senator CORNYN of Texas. I am going to ask him in a minute to say a few words about the jobs plan. The input he has put into it has been terrific because he is the guy who understands, again, the importance of small business, the importance of us creating an environment through Washington laws and regulations that helps create jobs, and that it is not Washington that is going to create the jobs but the private sector that is going to do it.

I ask my colleague from Texas to say a few words about his thoughts.

Mr. CORNYN. Madam President, I say to my colleague from Ohio, what a welcome idea of refocusing on the No. 1 issue in America today, which is too many Americans out of work. Of course, we saw the growth numbers for the first quarter of this year: 1.8 percent—hardly vigorous enough to create the kind of economic expansion and job creation we need.

As we are dealing with the spending issue, we have to deal with growing the economy. That is exactly what the Senator from Ohio has proposed—a comprehensive plan to try to figure out how to get people back to work and to try to get the kind of economic growth that will help us deal with this debt crisis we are in.

The one thing I especially like about the plan, although I like all of it, is the embracing of a notion of a balanced budget amendment to the Constitution. The Senator from Ohio has had a distinguished career not only in the House but as U.S. Trade Representative and also as Director of the Office of Management and Budget. He knows the budget numbers and the intricacies of that better than just about anybody here. He knows the difficulty we have had, whether Republican administrations or Democratic administrations, of living within our means.

Now that we are spending so much money we do not have—about 40 cents on every dollar, with $14.3 trillion in debt and huge deficits—we have to figure a way out of that situation. I think the best way to do that is to put this proverbial straitjacket on Congress and force us to do what every family and every business and 49 States do, either because of constitutional or statutory provisions.

I wish to say in conclusion how much I appreciate the good work he has done. Senator PORTMAN has been here a short time, but he brings a lot of experience and a lot of wisdom on these issues, particularly on getting America back to work.

Mr. PORTMAN. Madam President, I thank my colleague from Texas. He is absolutely right. When we look at the budget deficit and the debt and the impact it is having on our economy today, it is clear we need constraints. Forty-nine States have a balanced budget requirement. When I am back home talking with people in our cities and counties, in their struggles with balancing their own budgets, they ask me: How can Washington continue to spend so much money it does not have? Forty cents of every dollar Washington spends today is borrowed money. Clearly that restraint is needed.

It is important to get the economy back on track. Often we talk about the record budget deficit and the $14 trillion debt in terms of its impact on future generations. As the father of three, I am very concerned about that, as we all should be, because we are mortgaging their future, the excessive spending today that they are going to have to pay back.

It is not just what is going to happen in the future. Our deficits and debts have gotten so big that there is an impact on the economy. There was a study done recently by a couple of respected economists—Rogoff and Reinhart—which says, in looking around the world, where a country's debt is up to 90 percent of its total economy, you have about a 1-percent decline in the GDP or the growth in the economy. Our growth was only 1.8 percent last quarter. That means it should have been at least 2.8 percent but for our debt and deficit because now our gross debt is 100 percent of our economy. So we are over that 90-percent threshold, and we are impacting our economy today.

When we think about it, with all the government borrowing out there, it is crowding out private borrowing. There are fewer jobs being created in America because the government is playing a bigger and bigger role, crowding out the ability of small businesses to get a loan.

I also join a lot of other folks in this Chamber on both sides of the aisle in my deep concern about the possibility of a debt crisis if we do not deal with these historic deficits and debts. That could send our economy into a tailspin with sky-high interest rates, with inflation that is already rearing its ugly head again in this country. We need to address this issue because it is the right thing to do for future generations—it is really a moral issue—but also because it does impact what is going on today in our economy and our ability to get this economy back on track and create jobs. It is so important to American families and, as I said earlier, so important for us dealing with the fiscal problems because we have to both restrain spending and grow the economy, increase economic activity, which will increase revenues.

Madam President, can you give me a warning when we have 5 minutes remaining in the colloquy today?

I would like to turn back to my colleague from Tennessee who started this off this morning talking about the importance of this job plan.

Mr. ALEXANDER. Madam President, would the Senator have some more comments on the plan and about what has been said by some of our other colleagues?

Mr. PORTMAN. I thank my colleague very much.

Mr. ALEXANDER. To the Chair, if the 5-minute warning could be for the end of the 25 minutes because I intend to take 5 minutes after that.

The ACTING PRESIDENT pro tempore. There is 6 minutes remaining in total on the Republican side.

Mr. ALEXANDER. I will take 1 minute and then conclude. I wish to thank Senators PORTMAN, CORNYN, and BARRASSO for this. We will be hearing often from Republicans who want to make clear what we are for as well as what we are against, and I thank the Senator from Ohio for his leadership.

I wonder if, in the last 30 seconds or so, he wants to focus on trade and jobs, which has been his specialty.

Mr. PORTMAN. First of all, I thank my colleague from Tennessee for helping to promote this idea. Again, we are looking to reach out to Democrats in this Chamber, in the House, and working with the administration, to actually get this done. We need to get the American economy back on track.

I just heard the Senator talk about trade, and we talked about that earlier. But as was said earlier, we need to increase exports because exports equal jobs. If we look at these three pending trade agreements, which the administration has yet to send to Congress—and we can't move unless they do that—they would create, alone, between 250,000 and 380,000 jobs, depending on what numbers you look at. Think about that, hundreds of thousands of jobs are ready to be created right now by knocking down barriers to our workers, our farmers, and our service providers just in these three instances alone.

We also need to provide the President with the authority to knock down more barriers by giving him trade promotion authority. So I call on the administration to send us those agreements—free up those agreements—and allow us here in America to be able to create more jobs by expanding our exports, by leveling this playing field between these three countries—Panama, Korea, and Colombia—and then let us get busy on having the United States even more engaged in international trade, expanding exports and, therefore, creating jobs.

Let me review quickly these seven core areas and then turn it back to my colleague from Tennessee.

We do need to focus on the fiscal situation, as we have talked about, to be able to help the economy. Our Tax Code needs to be reformed to create economic growth. We can do that. We know there is a way to do it without raising taxes and by reforming the code and making it more progrowth; the regulations we talked about that are stifling so many small businesses in this country; the competitive workforce, retraining is critical, and we can do a much better job taking the existing Federal resources and directing them toward retraining for jobs that are actually there; expanding exports, we just talked about; of course, powering America's economy by using more of our own domestic resources—renewable but also traditional uses of energy; and, finally, getting health care costs down, as Senator BARRASSO talked about.

If we do these things, we will create more hope and opportunity at a time when it is so desperately needed. We should be able to do it because they are commonsense ideas.

I thank my colleagues.

NOMINATION OF JOHN McCONNELL

Mr. ALEXANDER. Madam President, we have a vote at noon. I know there are a number of Senators who wish to speak. I will take about 5 minutes, I suspect Senator CORNYN wants to speak, and I know Senator GRASSLEY wants to speak. I also see Senator REID.

The Senate is a body of precedent. One important precedent is that never in the Senate history has a President's district court nomination, reported by the Judiciary Committee, been defeated because of a filibuster; that is, because of a cloture vote. Once a nominee for Federal district judge has gotten to the floor, the majority of Senators have made the decision in an up-or-down vote.

Therefore, I will vote for cloture in order to allow an up-or-down vote on the President's nomination of John McConnell, then I will vote ''no'' on confirmation because I believe he is a flawed nominee.

I know most of my Republican colleagues are going to register their opposition to Mr. McConnell by voting to deny an up-or-down vote. I respect their decision. I understand how they feel. I also was outraged in 2003 when Democratic Senators filibustered President Bush's circuit court nominees simply because they disagreed with their philosophies. I made my first speeches on the floor of the Senate arguing against such a change in precedent.

On February 27, 2003, I said on this floor:

> When it comes time to vote, when we finish that whole examination, I will vote to let the majority decide. In plain English, I will not vote to deny a Democratic President's judicial nominee just because the nominee may have views more liberal than mine. That is the way judges have always been selected. That is the way they should be selected.

That is what I said in 2003.

In 2005, Republicans grew so upset with the Democrats' continued filibustering of President Bush's circuit nominees, the Republican majority leader threatened to eliminate the right to filibuster in connection with judicial nominations. That proposal was called the nuclear option because it was said if Republicans succeeded in abolishing the filibuster, their actions would ''blow the place up.'' I suggested, in two Senate speeches, that a small group of Senators, equally divided by party, agree to oppose the filibustering of judges. The result of those remarks was the creation of the Gang of 14—the Gang of 14 Senators who preserved the tradition of up-or-down votes by agreeing to use the filibuster only in extraordinary cases. I have amended my own views to subscribe to the Gang of 14's standard for Supreme Court and circuit court judges.

It is true the Gang of 14 agreement didn't explicitly distinguish between circuit and district judges. But the debate then clearly was only about Supreme Court and circuit judges, and the Senate always thought of district judges differently. District judges are trial judges. Circuit judges also must follow precedent but have broader discretion in interpreting and applying the law. Circuit judges' jurisdictions are broader. Their attitudes and philosophies are much more consequential in the judicial process.

That is why the Senate has never allowed a Federal district court nomination to fail by denying cloture. According to the Congressional Research Service, in the history of the Senate——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. ALEXANDER. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, it is so ordered.

Mr. ALEXANDER. I thank the Chair.

According to the Congressional Research Service, in the history of the Senate, only three cloture motions have ever been filed on district judge nominations. In each case, the nomination eventually was confirmed.

In 1986 cloture was invoked by a vote of 64–33 on Sidney Fitzwater despite opposition to the nomination by Democratic senators. Mr. Fitzwater was then confirmed 52–42.

In 1999 cloture was not invoked by a vote of 55–44 on Brian Theodore Stewart's nomination because of Democrat opposition. He was confirmed two weeks later by a vote of 95–3.

In 2003 a cloture motion was filed on Marcia G. Cook's nomination but it was withdrawn and she was confirmed 96–0.

I certainly wish President Obama had nominated someone other than Mr. McConnell. During his confirmation hearings, questions arose about a possible role in stolen corporate documents, in soliciting contingency fee legal contracts, and about his judicial temperament. Some senators even feel misled by some of his statements. It was even said he is the only district judge to be opposed by the U.S. Chamber of Commerce in its 99-year history.

Well, the Senate has more than a 200-year history. And that history is not to use the filibuster to defeat a district judge nomination.

I am comfortable with the Gang of 14 precedent in the case of circuit justices and Supreme Court justices. I will continue to reserve the right to vote against allowing an up-or-down vote in an extraordinary case. I also understand the strategy of ''They did it to us, so we will do it to them.'' Unfortunately, that strategy, I am afraid, will lead us to a new and bad precedent, one which will weaken the Senate as an institution and come back one day to bite those who establish it.

I thank the Chair and I yield the floor.

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

Mr. CORNYN. Will the Senator yield for a quick question?

Mr. SCHUMER. I will yield.

Mr. CORNYN. I know there are a number of us who would like to speak on the upcoming cloture vote at noon on the McConnell nomination. I know Senator GRASSLEY would; I presume the Senators from New York and Rhode Island would. I wonder if we could reach some unanimous consent agreement that would allow at least 5 minutes for each of us to speak.

I would pose that as a unanimous consent request; that for the Senators who are currently on the floor, the five of us, we be given up to 5 minutes to speak preceding the cloture vote.

Mr. SCHUMER. Might I ask a question of the Chair? What is the time status? There is 35 minutes until noon; is that divided?

The ACTING PRESIDENT pro tempore. Yes, the time is equally divided. The Democrats control 19 minutes, the Republicans control 18½ minutes.

Ms. LANDRIEU. Madam President, reserving the right to object, I wish to remind the Senators this isn't the only debate on the floor. We are having a cloture vote on SBIR, and we would like some time to close that debate as well. So I am open to work with the other Senators.

Mr. REED. Madam President, reserving my right to object, I would suggest, according to the request of the Senator from Texas, that the Senator from New York be recognized for 5 minutes, the Senator from Texas be recognized for 5 minutes, that I be recognized for 5 minutes, and then Senator GRASSLEY be recognized for 5 minutes.

The question then would be, Is there sufficient time for Senator LANDRIEU and, of course, Senator LEAHY?

Mr. SCHUMER. Could I ask unanimous consent——

Ms. LANDRIEU. I don't know how to do this, but if we could do 3 minutes each and reserve at least 15 minutes for closure.

The ACTING PRESIDENT pro tempore. Time has been consumed during this debate.

The Senator from New York.

Mr. SCHUMER. Madam President, I believe we have 37 minutes remaining; is that right, 19 and 18?

The ACTING PRESIDENT pro tempore. Correct.

Mr. SCHUMER. I know Senator LEAHY wants to close with 5 minutes.

So what we could do, equitably, is give each of the six Members on the floor 5 minutes.

Ms. LANDRIEU. I have to object to that.

Mr. SCHUMER. OK. Madam President, I have the floor and I ask to be recognized.

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

COURT VACANCIES

Mr. SCHUMER. Madam President, I rise to talk about a serious crisis in the third branch of government; that is, the rate of vacancies in the U.S. district courts.

There is a crisis that is unlike almost all the other issues we grapple with on a daily basis. It has a very simple solution. My colleagues and I deal with a lot of very difficult and very divisive problems every day. Not many of them lend themselves to solutions that are both politically and economically costless, but this one is easy: confirm these judges.

Take the district court nominees who were passed out of committee with bipartisan support, schedule votes on the floor, and confirm them. It sounds easy. Apparently, it is not. It is not easy because my colleagues on the other side of the aisle have slowed the confirmation of district court judges to a trickle, even those nominees who were passed out of the Judiciary Committee with no objection from Republicans.

This Congress, I am grateful for the hard work of Chairman LEAHY, Ranking Member GRASSLEY, Majority Leader REID, and Minority Leader MCCONNELL in beginning to unclog the pipeline, but we still have a long way to go. To go the rest of the distance, to restore the pace of judicial confirmations before the Federal judiciary faces the worst vacancy crisis in history, we need the consent of our Republican colleagues.

Here are the facts: The targeting of district court nominees is unprecedented. Five of the nineteen district court nominees who have received split votes in the last 65 years have been President Obama's nominees. We have only confirmed 61 of his district court nominees. By this time in their Presidencies, we had confirmed 98 of President Bush's and 114 of President Clinton's.

Judicial vacancies affect nearly 100 Federal courtrooms across the Nation. One in nine seats on the Federal bench is vacant. So we should approve these nominees.

As for the current nominee pending on the floor, he is somebody who deserves nomination. When we ask about nominees, we are concerned the standard used by my colleagues is, would I have nominated this person, rather than is this person whom I might not have nominated in the mainstream? Jack McConnell is clearly in the mainstream. He has more than 25 years' experience as a lawyer in private practice. Leading Republican figures in Rhode Island have endorsed him. But he has garnered opposition not because of his qualifications but because of his clients. That is not fair, that is not right, and that is not how we do judicial nominees.

He has chosen his work as a private lawyer, and that has no bearing on his judicial temperament, his interpretive philosophy or his legal acumen. In the interest of my colleagues who require more time, I would urge, at the very least, that people take the standard of the Senator from Tennessee—don't block cloture on this nominee. If you think he is not qualified, vote against him.

Jack McConnell deserves to be on the bench. I am glad Leader REID has called him, and Senators REED and WHITEHOUSE have taken the lead. I urge, at least on cloture, that my colleagues let this nominee be voted upon.

I yield the remainder of the time I have been allotted so others of my colleagues might speak.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, I have been conferring with the Senator from Rhode Island and other Senators who want to speak. Maybe if we could try another attempt at a unanimous consent request that would allow all of us a chance to speak.

Since I have the floor, I assume I can speak for up to 10 minutes under the standing order. I am willing to yield some of that time so everybody can have an opportunity.

Ms. LANDRIEU. Madam President, I object to any unanimous consent request.

Mr. CORNYN. Madam President, I have the floor. The Senator is out of order.

The ACTING PRESIDENT pro tempore. The Senator from Texas has the floor.

Mr. CORNYN. I ask unanimous consent that the Senator from Rhode Island, the Senator from——

The ACTING PRESIDENT pro tempore. Is there objection?

Ms. LANDRIEU. I object.

Mr. CORNYN. I will proceed, then, under the standing order which gives me up to 10 minutes, as I understand.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CORNYN. I regret that the Senator from Louisiana is unwilling to cooperate and provide everybody a chance to be heard, but I will proceed.

I wish to speak to the nomination of Jack McConnell to the Federal district bench. I spoke on this nomination yesterday. I have authored an op-ed piece in the Washington Times expressing my concern. I wish to summarize my concerns for my colleagues' benefit and their consideration.

I serve as a member of the Judiciary Committee, as does the Senator from Iowa, Mr. GRASSLEY. Before the Senate Judiciary Committee, this nominee was asked about allegations of theft of corporate documents arising out of some lead paint litigation that his law firm was pursuing in the State of Rhode Island. That has been the subject of some discussion.

I will ask unanimous consent to have several documents printed in the RECORD at this time.

First, I ask unanimous consent that after my comments, the complaint of the Sherwin Williams Company v. Motley Rice and others be printed in the RECORD.

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

(See exhibit 1.)

Mr. CORNYN. I ask one further unanimous consent, and that would be that an article from Legal Newsline about a discovery dispute still delaying the resolution of the theft case against Motley Rice be printed in the RECORD.

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

(See exhibit 2.)

Mr. CORNYN. What I think these documents demonstrate is that not only did Mr. McConnell intentionally mislead the Senate Judiciary Committee with regard to his possession of these stolen documents, but now there has been for some years—even after the lead paint cases have been essentially dismissed by the Rhode Island Supreme Court with the State and Mr. McConnell and his law firm having lost—ongoing litigation by one of the defendants in that case suing for tortious interference with their property; also conversion—in other words, theft, as the Presiding Officer knows—of their private, proprietary documents, including their litigation strategy, including their trade secrets and the like.

The article, dated April 21, 2011, that I have made part of the record shows that dispute over the theft of these documents remains unresolved. In other words, Mr. McConnell and his law firm's participation in this ongoing dispute remains unresolved. I don't know why the majority leader would choose to bring up a nomination of somebody for a lifetime appointment to the Federal bench when serious allegations about his law firm's participation and his personal participation in the theft of corporate documents in pursuit of litigation remains unresolved. I think it is a terrible mistake.

I know the Senator from New York suggests we ought to just go ahead and vote on cloture because he knows then that because our Democratic friends control 53 votes in the Senate, Mr. McConnell will be confirmed. But I am concerned that because the ethical allegations made against Mr. McConnell and his law firm remain unresolved, this is a terrible time for us to be voting on a lifetime tenure. If he were to be confirmed and we find out later on that the court actually finds he did participate in this conspiracy to steal these corporate documents, what would that say about the Senate and about this process, our deliberative process? I think it would be a scandal. It would be a scandal.

Finally, let me say I have expressed my concerns previously about the scheme that a group of very smart trial lawyers have dreamed up to sue legal industries for huge amounts of money by making alliances with State attorneys general and then suing in the name of the State but then in the end settling these cases for billions of dollars—in some cases, hundreds of billions of dollars—and these lawyers reaping a windfall of billions of dollars in attorney's fees. That is something Stuart Taylor—I think one of the more level-headed commentators about legal matters—has said, that this has indeed morphed the rule of law into the rule of lawyers, and ultimately consumers will have to pay more in terms of higher prices and the lawyers reap a windfall.

The very same lawyers who are hired through these no-bid, noncompete contracts are indeed the political supporters of these very same attorneys general, raising at least the appearance of impropriety and a pay-to-play system of providing litigation opportunities to these lawyers from which they reap billions of dollars and after which they funnel campaign contributions back to the very same State officials who have, in fact, authorized them to sue on behalf of the State. This is unseemly, to say the very least about it.

Finally, I would say Mr. McConnell continues by his own admission to be eligible to receive up to $3.1 million a year in one of these shakedown-industry lawsuits where these trial lawyers have worked with State attorneys general to sue on behalf of the State, not in cases that were actually tried but were actually settled under an existential threat to these businesses and these industries.

At a time when we are talking, as Senator PORTMAN did, about job creation, the idea that we would be confirming a lawyer to a lifetime appointment to the Federal bench where he could then serve as a venue, given the venue shopping that frequently goes on in this type of litigation, we can expect, if Mr. McConnell finds himself confirmed as a Federal judge, that in the future litigants will find a warm reception in his court to these ethically dubious schemes.

I think it is an extraordinary circumstance according to the standards set by the so-called Gang of 14. It is not something we will be doing often. But when an ethically flawed nominee such as this nominee is proposed by the President of the United States on three different occasions, and Senator REID, the majority leader, as is his right, tries to slip this stealth nominee through when people are paying attention to other things, and we have not had adequate time to debate and expose in the record so Senators can make a good judgment about the facts and do their duty as individual Senators, I think it is a terrible shame.

I intend to vote against cloture, and I hope my colleagues will so we can have additional time to review this nominee's credentials and make a good-faith assessment on behalf of all of our constituents.

EXHIBIT 1

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNT, OHIO

THE SHERWIN WILLIAMS COMPANY, 101 Prospect Avenue, N.W., Cleveland, OH 44115 (Plaintiff), v. MOTLEY RICE LLC, Motley Rice LLC, 28 Bridgeside Boulevard, Mount Pleasant, SC 29464 And JOHN DOES, Defendants.

Complaint
JOHN P. O'DONNELL
CV 09 689237.

The Sherwin-Williams Company (''Sherwin-Williams''), for its Complaint against Motley Rice LLC (''Motley Rice'') and other unknown persons, alleges as follows:

INTRODUCTION AND NATURE OF CLAIM

1. The law firm of Motley Rice has represented since 1999 the Rhode Island Attorney General, other government officials, and private individuals in highly contentious public nuisance and personal injury lawsuits filed against Sherwin-Williams and other former manufacturers of lead paint and pigments.

2. Without the knowledge or consent of Sherwin-Williams, Motley Rice has somehow obtained stolen copies of PowerPoint slides used by Sherwin-Williams' Associate General Counsel—Litigation to advise the Company's Board of Directors on the costs of defending the lead paint and pigment litigation, among other information, and his analysis of potentially available insurance coverage for that litigation—an issue that Sherwin-Williams was actively litigating with its insurers in a separate action. Those documents contain highly confidential, proprietary business information and are also protected by the attorney-client privilege and the attorney work product doctrine.

3. It appears that Motley Rice, at the time it received those slides, wrongfully obtained other Sherwin-Williams' confidential, proprietary, and privileged documents from the same person who is unknown to Sherwin-Williams. All of Sherwin-Williams' confidential, proprietary, and privileged documents taken without authorization will be referred to as ''Documents'' in this Complaint.

4. Despite repeated requests by Sherwin-Williams, and despite Motley Rice's admission that it obtained Sherwin-Williams' Documents through its own efforts, Motley Rice has refused to reveal how it obtained Sherwin-Williams' stolen Documents; to identify all Sherwin-Williams' Documents in its possession; to provide them to a court for in camera review; or to return Sherwin-Williams' Documents.

5. By this action, Sherwin-Williams seeks to uncover how Motley Rice obtained the Documents, to protect and secure the return of its stolen Documents from Motley Rice, to prevent any use of those Documents or information contained in them, and to be compensated for the harm caused to Sherwin-Williams by Motley Rice's wrongful acquisition and use of those Documents.

THE PARTIES

6. Sherwin-Williams is a corporation organized under the laws of the State of Ohio, with its principal place of business in Cleveland, Ohio.

7. Motley Rice LLC is a limited liability company incorporated under the laws of South Carolina. It has its principal place in Mt. Pleasant, South Carolina and has another office in Providence, Rhode Island.

8. The John Does are persons presently unknown to Sherwin-Williams who assisted, aided, and abetted Motley Rice in the tortious acts alleged in this Complaint. The John Does are believed to be residents of the State of Ohio.

JURISDICTION AND VENUE

9. Motley Rice has caused tortious injury in this State by an act or omission in Ohio and by acts outside of Ohio committed with the purpose of injuring Sherwin-Williams, which resides in Ohio. Motley Rice also regularly conducted business in Ohio during the time of the alleged tortious acts. Thus, this Court has jurisdiction over Motley Rice pursuant to Ohio Revised Code 2307.382(A)(3)–(4), (6), (7).

10. Venue is proper in Cuyahoga County because part of the activity that gave rise to the claim for relief took place in this County. Ohio R. Civ. Pro. 3(B)(3). Additionally, venue is proper in Cuyahoga County because all or part of the claim for relief arose in this County. Ohio R. Civ. Pro. 3(B)(6).

FACTS

11. In the course of conducting its business, Sherwin-Williams creates and maintains confidential, proprietary, and privileged information and documents. Included among those documents are materials generated by Sherwin-Williams' attorneys to provide advice to Sherwin-Williams' Board of Directors concerning ongoing litigation strategy, anticipation of litigation, developments and costs of defense as well as potentially available insurance coverage for litigation liabilities and defense costs.

12. Sherwin-Williams' attorneys have frequently met with the Board of Directors to discuss the lead paint and pigment litigation and the disputes and litigation with its insurers to obtain reimbursement of defense costs and any potential judgments in the lead paint and pigment litigation. The oral and written presentations by Sherwin-Williams' attorneys to the Company's Board of Directors are intended to be confidential and protected by the attorney-client privilege and attorney work product doctrine. Presentations to the Board of Directors may also contain confidential and proprietary business information, such as strategies for other litigation, trade secrets for new products, acquisition plans, employment policies, and other sensitive, competitive information. For these reasons, all minutes of and presentations at Sherwin-Williams' Board of Directors' meetings are kept strictly confidential and are securely maintained with restricted access at the company.

13. Since October 1999, the State of Rhode Island, through its Attorney General, has retained Motley Rice to sue certain former manufacturers of lead pigments used in architectural paints decades ago, including Sherwin-Williams, for allegedly creating a public nuisance (''Rhode Island Litigation''). Under a contingency fee agreement with the Rhode Island Attorney General, Motley Rice

and other counsel are responsible for all costs and expenses of prosecuting the claims in the Rhode Island Litigation.

14. Since the commencement of the Rhode Island Litigation, Motley Rice has been retained by local governments in California, New Jersey, and Ohio to bring similar public nuisance lawsuits against Sherwin-Williams and other former lead pigment manufacturers. Motley Rice also tried unsuccessfully to obtain representation of the cities of St. Louis and Milwaukee as part of its continuing campaign to launch public nuisance lawsuits against Sherwin-Williams and other former lead pigment manufacturers all across the country. The public nuisance lawsuits seek to require several, out of many, former lead pigment manufacturers, including Sherwin-Williams, to remediate all lead paint in all buildings.

15. Also, since 1999, Motley Rice has represented dozens of individual plaintiffs in Wisconsin who have sued Sherwin-Williams and other former lead pigment manufacturers alleging personal injuries from elevated blood lead levels.

16. Motley Rice attorneys frequently came into Ohio in 2006 to meet and communicate with mayors and members of the executive and legislative branches of local governments in order to persuade them to retain Motley Rice to bring public nuisance lawsuits against Sherwin-Williams and other former lead pigment manufacturers. Beginning in September 2006, Motley Rice was retained to sue Sherwin-Williams and others on behalf of the cities of Akron, Athens, Canton, Cincinnati, Columbus, Dayton, East Cleveland, Massillon, Lancaster, Toledo, and Youngstown and the Stark County Housing Authority. It signed a contingency fee agreement for each city. Motley Rice moved for, and was allowed, leave to appear as counsel pro hac vice in state court for each Ohio plaintiff. Motley Rice wrote, appeared as counsel, and submitted complaints for each Ohio plaintiff. It wrote and submitted briefs in every Ohio case in which defendants filed a motion to dismiss or other pre-trial papers. Motley Rice attorneys appeared in Ohio Common Pleas Courts located in Canton, Cincinnati, Cleveland, and Toledo to argue motions, and it responded to public records requests on behalf of various cities.

17. Through the public nuisance and personal injury litigation against Sherwin-Williams and others, Motley Rice was and still is attempting to gain millions of dollars in fees for itself.

18. Motley Rice's representation of cities in Ohio continued until at least July 2008. Its representation was ultimately unsuccessful, as every Ohio city's complaint was either voluntarily dismissed or dismissed by court order.

19. In or about 2006, while Motley Rice was soliciting Ohio cities to retain it, one or more attorneys from Motley Rice, including Fidelma Fitzpatrick, met with a former Sherwin-Williams employee at Cleveland Hopkins Airport. This former employee had been responsible for preparing the PowerPoint slides and other graphics used during presentations made to Sherwin-Williams' Board of Directors in 2004, 2005, and earlier years. Sherwin-Williams did not know of this secret meeting.

20. At no time in meeting with the former Sherwin-Williams employee did any Motley Rice attorney caution him not to disclose or discuss any confidential, privileged, or proprietary information or document belonging to Sherwin-Williams.

21. During the meeting, the former Sherwin-Williams employee provided Motley Rice with the names of other former employees, several of whom may have had a role in preparing, or would likely have had access to, Board presentation materials.

22. On July 1, 2008, the Rhode Island Supreme Court unanimously ruled in favor of Sherwin-Williams and other defendants in the Rhode Island Litigation, reversing a jury verdict in favor of the State and holding that the complaint should have been dismissed at the outset.

23. After the Rhode Island Supreme Court's ruling, Sherwin-Williams filed a motion in the trial court, called the Superior Court, for entry of final judgment in its favor, including an award of costs incurred in defending the lawsuit. Although Sherwin-Williams has not yet submitted an itemized bill of costs, Motley Rice submitted a bill of costs for the State exceeding $1.9 million when it initially prevailed in the trial court.

24. On September 24, 2008, Motley Rice, on behalf of the State of Rhode Island, filed in the Superior Court a Supplemental Memorandum in Opposition to Defendants' Motion for Costs (''Supplemental Memorandum''). Because Motley Rice is obligated under its contingency fee agreement with the Rhode Island Attorney General to pay all costs of the Rhode Island Litigation, it has a direct, personal financial self-interest in whether the Rhode Island Superior Court awards costs to Sherwin-Williams and, if so, the amount of costs.

25. The State's Supplemental Memorandum, which Motley Rice prepared, signed, and filed, contained as an exhibit a copy of the PowerPoint slides used by Sherwin-Williams' Associate General Counsel—Litigation during his presentation to the Board of Directors in October 2004. The first slide identified the speaker as Sherwin-Williams' Associate General Counsel—Litigation. The second slide showed the company's cost to that date of defending the lead paint and pigment litigation. The third slide presented the Associate General Counsel's analysis and opinion regarding potentially available insurance coverage for that litigation, a matter then and still in dispute with its insurers. The presentation contained confidential information, was prepared to provide legal advice to the Board of Directors, and was intended to be confidential and privileged. The Directors were not allowed to keep copies of those slides (hereinafter ''October 2004 Confidential Board Slides''). Because Sherwin-Williams considered the information in the October 2004 Confidential Board Slides to be confidential, proprietary, and privileged, it has not publicly disclosed that information.

26. Sherwin-Williams never produced in any lawsuit the documents or information contained in the October 2004 Confidential Board Slides. Nor has Sherwin-Williams knowingly produced the October 2004 Confidential Board Slides to any person outside the company. On their face, the October 2004 Confidential Board Slides show that they contain confidential and proprietary information and that they were created and used for the purpose of providing legal advice and analysis.

27. The copy of the October 2004 Confidential Board Slides that Motley Rice attached to its Supplemental Memorandum bears a fax line at the top reflecting that it was one page of a 34-page fax sent by an unidentified person from a FedexKinko's in Akron, Ohio. The 34-page fax containing the October 2004 Confidential Board Slides was sent on September 12, 2006 from the fax number (330) 668–1105; the receiving number is not identified.

28. On information and belief, the other 33 pages of the fax contain highly confidential and proprietary business information, including information regarding strategies in other litigation, proposed business strategies, plans for geographic expansion and market growth, potential mergers or acquisitions, retail partnerships, and sensitive information regarding the company's finances.

29. On information and belief, the other 33 pages of this fax are or were in the possession of Motley Rice.

30. To this date, despite Sherwin-Williams' request, Motley Rice has refused to (a) explain how it came into possession of the October 2004 Confidential Board Slides; (b) confirm if it has the other 33 pages of the fax; and (c) identify and return Sherwin-Williams' Documents.

31. Motley Rice deliberately obtained, kept, and used copies of the October 2004 Confidential Board Slides and other documents belonging to Sherwin-Williams while it knew or should have known that those documents had been taken without Sherwin-Williams' authorization and were confidential, proprietary, and privileged. Motley Rice acted for its own financial self-interest and gain and in conscious disregard of Sherwin-Williams' legal rights and property interests.

COUNT I

CONVERSION

32. Sherwin-Williams incorporates by reference its allegations in Paragraph 1 through 31 of this Complaint.

33. Sometime before September 24, 2008, Motley Rice intentionally and wrongfully obtained and kept without Sherwin-Williams' knowledge or permission its Documents, including the October 2004 Confidential Board Slides and, on information and belief, the documents sent with the September 16, 2006 fax. Motley Rice may also have additional Sherwin-Williams' Documents.

34. Motley Rice knew, or should have known, that the October 2004 Confidential Board Slides and the Documents sent with the September 12, 2006 fax are the property of Sherwin-Williams.

35. Motley Rice knew, or should have known, that the Documents were taken from Sherwin-Williams and provided to Motley Rice without Sherwin-Williams' knowledge or permission.

36. Motley Rice also knew, or should have known, that it had no right to possess or use Sherwin-Williams' stolen Documents. Nevertheless, in conscious disregard of Sherwin-Williams' legal rights and property interests, Motley Rice chose to obtain, keep and use those Documents for its own financial benefit in the Rhode Island Litigation and to attempt to cause substantial harm to Sherwin-Williams.

37. At all relevant times until present Motley Rice has acted with malice and conscious disregard of Sherwin-Williams' legal rights and property interests. By wrongfully obtaining, retaining possession of, and using Sherwin-Williams' stolen Documents for Motley Rice's own advantage and self-interest with the intent to harm Sherwin-Williams, Motley Rice has converted and continues to convert Sherwin-Williams' property.

38. By refusing to return Sherwin-Williams' Documents despite Sherwin-Williams' request to identify and return those Documents, Motley Rice continues to the present day to wrongfully convert Sherwin-Williams' property.

39. Wherefore, Sherwin-Williams requests compensatory damages in an amount in excess of $25,000, punitive damages, costs, and reasonable attorneys' fees.

COUNT II

REPLEVIN

40. Sherwin-Williams incorporates by reference the allegations in Paragraphs 1 through 39 of this Complaint.

41. Sherwin-Williams created and is the sole rightful owner of its Documents now wrongfully obtained, possessed, and used by

Motley Rice without Sherwin-Williams' permission, including, but not limited to, the October 2004 Confidential Board Slides and, on information and belief, the documents sent with the September 12, 2006 fax.

42. No one has the right to possess, retain, or use Sherwin-Williams' Documents without the permission of its Board or management.

43. Motley Rice has wrongfully obtained, kept, and used Sherwin-Williams' Documents without Sherwin-Williams' permission.

44. Motley Rice knew or should have known that those Documents were taken from Sherwin-Williams without Sherwin-Williams' knowledge or permission, and that it was wrongfully obtaining, keeping, and using property belonging to Sherwin-Williams.

45. Sherwin-Williams has requested Motley Rice to return Sherwin-Williams' Documents.

46. Motley Rice has deliberately and wrongfully refused to return Sherwin-Williams' property, and it has chosen to use Sherwin-Williams' Documents for its own financial advantage and to the substantial detriment of Sherwin-Williams.

47. Motley Rice continues to retain and refuses to identify and return Sherwin-Williams' Documents without any right or privilege to do so.

48. At all relevant times until present, Motley Rice has acted with malice and conscious disregard of Sherwin-Williams' legal rights and property interests. Motley Rice wrongfully obtained, kept, and used Sherwin-Williams' stolen Documents for the purpose of harming Sherwin-Williams and for Motley Rice's own economic gain.

49. Wherefore, Sherwin-Williams is entitled to the immediate identification and recovery of its Documents in the possession, custody, and control of Motley Rice or its attorneys, employees, and agents, damages in an amount exceeding $25,000, punitive damages, costs, and reasonable attorneys' fees.

COUNT III

AIDING AND ABETTING TORTIOUS CONDUCT

50. Sherwin-Williams incorporates by reference the allegations of Paragraphs 1 through 49 of the Complaint.

51. Each John Doe owed to Sherwin-Williams the duty of loyalty and good faith and the duty to maintain the confidentiality of Sherwin-Williams' proprietary and privileged documents.

52. Each John Doe breached these duties by wrongfully converting Sherwin-Williams' Documents and providing them without Sherwin-Williams' knowledge or permission to Motley Rice, which had no privilege or right to obtain or possess those Sherwin-Williams' Documents.

53. Motley Rice wrongfully obtained, kept, and used Sherwin-Williams' Documents that Motley Rice knew, or should have known, were taken or obtained without Sherwin-Williams' knowledge or permission and in breach of each John Doe's duties to Sherwin-Williams.

54. By using Sherwin-Williams' Documents in the Rhode Island Litigation, Motley Rice assisted, aided, and abetted each John Doe, and each John Doe assisted, aided, and abetted Motley Rice, in tortious conduct harming Sherwin-Williams.

55. By wrongfully obtaining, keeping, and using Sherwin-Williams' Documents that it knew, or should have known, were stolen or wrongfully obtained by each John Doe without Sherwin-Williams' knowledge or permission, Motley Rice assisted, aided and abetted each John Doe's tortious conduct.

56. By wrongfully taking or obtaining Sherwin-Williams' Documents and providing those Documents to Motley Rice without Sherwin-Williams' knowledge or permission, each John Doe assisted, aided, and abetted Motley Rice in its tortious conduct.

57. By wrongfully retaining without permission and refusing to identify and return Sherwin-Williams' Documents, each John Doe has assisted, aided, and abetted Motley Rice's tortious conduct.

58. Each John Doe and Motley Rice have acted at all relevant times until present with conscious disregard for Sherwin-Williams' legal rights and property interests and for the purpose of causing substantial harm to Sherwin-Williams.

59. Wherefore, Sherwin-Williams requests compensatory damages in an amount exceeding $25,000, punitive damages, costs, and reasonable attorneys' fees.

COUNT IV

REQUEST FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, AND PERMANENT INJUNCTION

60. Sherwin-Williams incorporates by reference the allegations of Paragraphs 1 through 59 of the Complaint.

61. Pursuant to Ohio Rule of Civil Procedure 65(A), Sherwin-Williams requests the Court to issue a Temporary Restraining Order prohibiting Motley Rice, any of its attorneys, employees, or agents, and each John Doe from:

(a) Using or reproducing Sherwin-Williams' Documents;

(b) transferring, conveying, disclosing, or communicating in any manner Sherwin-Williams' Documents or their contents to any person;

(c) destroying any Sherwin-Williams' Documents or any copies of any such Documents, including electronically stored information;

(d) destroying or disposing of any Documents, including electronically stored information, that constitute, show, or discuss how Motley Rice obtained, received, disclosed, used, or communicated Sherwin-Williams Documents.

In addition, Sherwin-Williams requests that a Temporary Restraining Order require Motley Rice to:

(e) immediately file with the Clerk of Court under seal all originals and copies of Sherwin-Williams' Documents in the possession, custody, or control of Motley Rice or any of its attorneys, employees, or agents; and (f) identify all persons (i) who have possession, custody, or control of Sherwin-Williams' Documents, or (ii) who provided or sent those Documents directly or indirectly to Motley Rice or any of its attorneys, employees, or agents.

62. A temporary restraining order is necessary to preserve Sherwin-Williams' valuable property rights in its Documents and confidential business information.

63. Sherwin-Williams will suffer irreparable harm if Defendants are permitted to transfer, release, possess, use, disclose, or communicate in any manner Sherwin-Williams' Documents and confidential business information.

64. Sherwin-Williams further requests the Court, after appropriate hearing, to enter a preliminary and permanent injunction granting the same relief requested in paragraph 60 (a), (b), (e) and (1) and, in addition, requiring Motley Rice to immediately return all originals and copies of Sherwin-Williams' Documents, all documents discussing the contents of those Documents, and all documents reporting or discussing confidential, proprietary or privileged communications between Sherwin-Williams' attorneys and its directors, officers or employees, in the possession, custody, or control of Motley Rice or any of its attorneys, employees, or agents.

65. Pursuant to Ohio Revised Code §2737.03, Sherwin-Williams requests this Court to issue an order requiring Motley Rice to return all of Sherwin-Williams' Documents, all documents discussing the contents of those Documents, and all documents reporting or discussing confidential, proprietary or privileged communications between Sherwin-Williams' attorneys and its directors, officers or employees, in the possession, custody, or control of Motley Rice or any of its attorneys, employees, or agents.

Dated: April 3, 2009

Respectfully Submitted,

JAMES R. WOOLEY,
Attorney I.D. No. 0033850.
STEPHEN G. SOZIO,
Attorney I.D. No. 0032405.
JONES DAY,
Counsel for Plaintiff, The Sherwin-Williams Company.

EXHIBIT 2

[From Legal Newsline.com, Apr. 21, 2011]

DISCOVERY DISPUTE DELAYING THEFT CASE AGAINST MOTLEY RICE

(By John O'Brien)

CLEVELAND (Legal Newsline)—The court battle over the alleged theft of confidential documents by plaintiffs firm Motley Rice is stagnant as Sherwin-Williams attempts to make the firm respond to its discovery requests.

According to the online docket for the Cuyahoga County Court of Common Pleas, Sherwin-Williams has filed a motion to compel the firm to respond to written discovery deposition requests. Motley Rice, which filed lawsuits against Sherwin-Williams and other paint companies over lead-based paint, allegedly obtained privileged documents stolen by the company from a former employee.

According to a Jan. 31 order, Sherwin-Williams is filing a supplemental brief in support of its motion to compel Motley Rice's answers. Some of the case, which could have an impact on the pending nomination of Motley Rice attorney Jack McConnell to a federal judgeship in Rhode Island, has been filed under seal.

The Wall Street Journal mentioned the case in a recent editorial. McConnell's nomination was recently approved by an 11–7 vote of the Senate Judiciary Committee, and the matter will now go to the full Senate.

''In response to written questions from Arizona Senator Jon Kyle in May 2010, Mr. McConnell told the committee he wasn't very involved in the lead paint case, was not familiar with the documents in question and had no reason to believe he'd be one of the defendants in the Ohio lawsuit. In deposition testimony in September 2010, however, his memory was suddenly refreshed,'' the editorial says.

''He was the first lawyer in his office to review the documents, signed a brief which incorporated portions of them and even helped write an article about the information.''

Because of his ''changing story,'' the WSJ doesn't feel he is worthy of a spot on the bench.

McConnell and Motley Rice's Rhode Island office represented several states and municipalities in the lead paint litigation, which alleged paint companies had created a public nuisance by manufacturing lead paint before its federal ban in 1978. Public nuisance claims have no statute of limitations, like product liability claims do. The suits were largely unsuccessful.

Along the way, Sherwin-Williams claims, Motley Rice obtained a PowerPoint presentation given by the company's attorney's to

its board of directors. The presentation outlined litigation costs and possible coverage by its insurers.

The company said the presentation was protected by attorney-client privilege, but Stephen Walker met with Motley Rice at Cleveland Hopkins Airport in 2006 to hand over the presentation. Walker had been laid off from his job in 2005 and had formerly assisted company officers, attorneys and executives with technical and design aspects of PowerPoint presentations.

Motley Rice did not notify Walker that it could not receive documents protected by privilege, the company says.

A trial was scheduled for last year but it was postponed. No new trail date has been set.

Sens. Sheldon Whitehouse and Jack Reed recommended McConnell to fill a vacancy in U.S. District Court in Rhode Island last year. Whitehouse is a member of the Judiciary Committee.

''Jack McConnell is a brilliant legal mind and an outstanding community leader. We believe he possesses the experience, intellect, and temperament to be a judge on the U.S. District Court for Rhode Island,'' a statement released by the senators said.

Whitehouse, then the attorney general, hired McConnell and his firm Motley Rice to file lawsuit against the former makers of lead paint in 1999.

The state Supreme Court unanimously struck down a verdict for the plaintiffs in 2008. Sherwin-Williams says Motley Rice produced the part of the PowerPoint presentation concerning litigation costs when the company argued the plaintiffs should be liable for its attorney fees.

After Whitehouse left the Attorney General's Office, McConnell and his wife pumped $12,600 into his campaign fund. WHITEHOUSE took office in 2007.

Since 2001, the McConnells have given Reed $13,200, including $8,800 for his 2008 re-election campaign.

McConnell also represented some states in their lawsuits against the tobacco industry. His work, and the work of other private attorneys, led to the 1998 Tobacco Master Settlement Agreement. It has an estimated worth of $246 billion over its first 25 years and allows for annual payments made to the attorneys who litigated the case.

A post by Judicial Watch says McConnell will receive between $2.5 million and $3.1 million annually until 2024 as a result of the settlement.

Through the years, he and his wife have given more than $600,000 to the Democratic Party and its candidates, including Obama. Obama nominated him in March 2010.

The Institute for Legal Reform, an affiliate of the U.S. Chamber of Commerce, is one of the groups opposing McConnell's nomination. The ILR owns Legal Newsline.

Mr. REED. Madam President, I propose a unanimous consent agreement that would recognize myself for 5 minutes, Senator GRASSLEY for 5 minutes, Senator LEAHY for 5 minutes, and then Senator SNOWE and Senator LANDRIEU for 10 minutes each.

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

Mr. REED. Madam President, this is not a stealth nomination. Mr. McConnell has been approved and voted by the committee three separate times. This has already lasted years. There is nothing stealthy about it. That is an exaggeration and completely inaccurate.

Let me suggest in response to all the ethical claims or allegations, Mr. McConnell has never had an ethics complaint alleged or filed against him. All of these issues of so-called stolen documents were vetted and reviewed by a court in Rhode Island by Judge Silverstein. Judge Silverstein found no merit to their claims and, in fact, commended Mr. McConnell for his involvement and the involvement of his opposing counsels in this case.

Let me also try to respond to the issue of the so-called shakedown suits. One of the participants in those shakedown suits is a current circuit court judge, whom my colleague voted for. He is on the Third Circuit Court of Appeals in Pennsylvania. He was a Republican Attorney General of Pennsylvania. He worked with Mr. McConnell in a path-breaking suit to bring tobacco companies to justice and to provide States billions of dollars to relieve the dangers and the harm caused by tobacco. This judge, this Federal circuit judge, testifies to the integrity and the character of Jack McConnell. I am indeed appalled that his integrity would be questioned in such a way.

With respect to statements before the Senate Judiciary Committee, they have been consistent. He has said, with respect to these documents, these allegedly stolen documents, ''I saw the documents prior to suit being filed in Ohio.'' Again, this second suit is really retaliation by the companies in order to express their great anger at being sued in Rhode Island. ''I saw the documents prior to suit being filed in Ohio. I briefly saw them when they were first faxed to our law firm and then again a few years later, I saw them when we submitted one page of the documents to the court in Rhode Island. I would not say I was familiar with the documents in any fashion.'' He makes no bones about the fact that he saw those documents. Then the debate seems to be, the quibble seems to be not about a clear misstatement but what—''familiar'' means. I think he was being very careful. I think if a lawyer says: I was familiar with the documents, it means they have read them thoroughly, they read them carefully. He couldn't say that. This came over his desk, was quickly out of his hands and quickly in the hands of others.

Again, all these allegations of unscrupulous behavior, unethical behavior have never been supported by any finding. There is a case in Ohio. It is not directly against Jack McConnell. He is not a named party. It is his law firm. He is one of many people in the law firm. There are suits filed against organizations, I would suspect, frequently. Is every member of the organization involved? I suspect not.

Finally, let me just respond to this notion of, well, this is just an elaborate arrangement between attorneys general and Jack McConnell. Again, the process for this suit started with a Republican attorney general. The succeeding attorney general was, indeed, our colleague SHELDON WHITEHOUSE. They scrupulously had a contract that was reviewed by the court. In fact, the court had to approve any payments to McConnell's firm. That is the judge's call, not the attorney general's call.

Interestingly enough, in response to this whole suggestion that there is this cozy deal going on here—Jack McConnell is such a principled and active Democrat that when my colleague ran for Governor of Rhode Island, Jack McConnell handled the successful campaign of his opponent, a woman with whom he felt more aligned in terms of her philosophy, in terms of her commitment to issues he cared about. Senator WHITEHOUSE lost that race—unfortunate for the State of Rhode Island, fortunate, I think, for the U.S. Senate.

So this suggestion, this notion that this is all a cozy deal that has been worked out is absolutely erroneous.

The overwhelming consensus of lawyers, clergy, everyone in Rhode Island, business leaders, is this is one of the most honest and ethical persons you would ever want to know. Frankly, that was the ultimate issue that prompted me to recommend him to the President of the United States. He is a decent man of character, and I think the assault on his character is unprecedented, as well as this assault on allowing a district court judge to have an up-or-down vote.

Mr. President, I ask unanimous consent to have printed in the RECORD letters of support for Jack McConnell's nomination to the United States District Court for the District of Rhode Island, as well as editorials on the McConnell nomination from the Providence Journal.

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

[From the Providence Journal, May 14, 2010]

EDITORIAL: CONFIRM MCCONNELL

Providence lawyer John J. McConnell Jr., whom President Obama has nominated to serve on the U.S. District Court for Rhode Island, is a very able attorney. He has also demonstrated much civic commitment and leadership as a very generous philanthropist and board member of various nonprofit organizations in our area.

''Jack'' McConnell's nationally known abilities have gotten him hired to press some very big lawsuits. As with most plaintiffs' lawyers who have practiced at the highly competitive national level for a long time, some of these have been very controversial. The most notable example is the case against lead-paint makers pursued at the behest of then-Rhode Island Atty. Gen. (and now U.S. Sen.) Sheldon Whitehouse.

We remain convinced that that action, which was (happily, to us) terminated by the Rhode Island Supreme Court, was unfortunate. But some other cases Mr. McConnell was involved in, such as against tobacco companies, we agreed with. But then, Mr. McConnell has been a hired hand doing as capably as he could the job he has specialized in—pursuing product-liability and other class-action cases. Mr. McConnell, a graduate of Brown and Case Western Reserve University Law School, has been retained in these high-profile lawsuits because of the ability and strenuous work ethic he has shown time and time again.

Jack McConnell has had very close ties with the Democratic Party, to whose candidates he has given a lot of money. But many federal judges have had close political links before being named to the bench. The judgeship-nomination process can rarely be separated from politics in varying degrees, as even a cursory look at the backgrounds of state and federal judges will demonstrate.

Many over the years had been elected officials and/or highly partisan Democrats or Republicans but have displayed great judicial judgment, disinterestedness and independence when they achieved the protective tenure of the bench.

But in any case, Jack McConnell, in his legal work and community leadership, has shown that he has the legal intelligence, character, compassion and independence to be a distinguished jurist. Indeed, given his understanding of the ''little guy,'' Mr. McConnell could serve as something of a healthy offset to the corporate-lawyer backgrounds and attitudes that so many judges have. And his deep knowledge of environmental law could be of particular importance in coming years as such issues come to the fore more often. We hope that the Senate confirms him.

[From the Providence Journal, Nov. 23, 2010]

EDITORIAL: STILL CONFIRM MCCONNELL

As we have said (''Confirm McConnell,'' editorial, May 14) Providence lawyer John (''Jack'') McConnell is highly qualified to be a U.S. District judge. He's one of America's most able and successful litigators, and has been a very energetic and generous leader in philanthropies and other parts of community life.

But Republicans in the U.S. Senate seem determined to derail his nomination, both because they dislike Mr. McConnell's frequent past support of Democratic candidates and, more generally, because they want to do anything they can to defeat President Obama, who nominated him.

To say that the current mood of Congress is partisan is an understatement.

Yes, like many judicial nominees, Mr. McConnell has taken partisan stands in the past. But his character and deep love of the law suggest strongly that he will function as a disinterested judge—one able to look at the facts of each case in the light of a close and rigorous reading of statutory and constitutional law and precedent. Indeed, his legal work and community leadership suggest that he would be a distinguished jurist.

The Senate should face down a filibuster and approve his nomination.

[From the Greater Providence Chamber of Commerce]

STATEMENT OF THE GREATER PROVIDENCE CHAMBER OF COMMERCE ON THE NOMINATION OF JOHN MCCONNELL TO THE U.S. DISTRICT COURT

On Tuesday May 11, the United States Chamber of Commerce urged the members of the Senate Judiciary Committee to reject the nomination of John J. 'Jack' McConnell for a judgeship on the U.S. District Court in Rhode Island.

The Greater Providence Chamber of Commerce was not consulted at any point in the process by the United States Chamber of Commerce or The Institute for Legal Reform as to our views relative to the nomination of Mr. McConnell.

The Greater Providence Chamber of Commerce has never endorsed nor opposed nominees vying for the federal or state judiciary. In a similar vein, we have never endorsed nor opposed candidates seeking elective office on the federal, state or municipal levels.

The Greater Providence Chamber of Commerce has enjoyed a very positive working relationship with Senator Reed and Senator Whitehouse, and we respect their right and ability to put forth qualified nominees to the United States District Court.

We would point out that Mr. McConnell is a well respected member of the local community, leading important civic, charitable and economic development institutions including Crossroads Rhode Island, the Providence Tourism Council and Trinity Repertory Theatre.

U.S. COURT OF APPEALS
FOR THE THIRD CIRCUIT,
Pittsburgh, PA, May 11, 2010.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN LEAHY: I write at this time to most favorably recommend John J. McConnell who has been nominated by the President to the U.S. District Court for the District of Rhode Island.

I met and worked with Mr. McConnell when I was the elected Attorney General of Pennsylvania from 1996–2003. We worked very closely together on the national tobacco litigation which resulted in the $206 Billion 1998 Master Settlement Agreement. I was designated by my Attorney General colleagues to be part of the national negotiating team and worked closely with Mr. McConnell who was part of that team along with his partner from Ness Motley, Joe Rice. We spent considerable time together in New York and at meetings elsewhere and I had the unique opportunity to assess Mr. McConnell's legal abilities and his character, which were both outstanding. He was one of our key people in developing strategy, drafting documents and evaluating various provisions of this landmark settlement.

In addition to his work with the state Attorneys General in that case, Mr. McConnell has been involved in major litigation in the state and federal courts in Rhode Island and elsewhere across the country. He has been honored for his legal skill and acumen by many organizations and has made major contributions to the cause of justice in his state and elsewhere.

John J. McConnell, Jr. is an outstanding nominee to serve on the U.S. District Court for the District of Rhode Island and I enthusiastically support his nomination. If I can provide any additional information, please feel free to contact me.

Very truly yours,

D. MICHAEL FISHER.

LAW OFFICES OF
JEFFREY B. PINE ESQ.,
Providence, RI, May 7, 2010.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee,
Washington, DC.

DEAR SENATOR LEAHY: I have the pleasure of writing on behalf of John (Jack) McConnell Jr. for a position on the Federal bench. I served as Rhode Island Attorney General from 1993–1999, as a Republican.

I have known Jack for more than fifteen years, both professionally and personally, and feel very qualified to comment on his credentials for such a prestigious position. Throughout his career, Jack has demonstrated the kind of legal ability, integrity, dedication to his client, and Willingness to fight hard for the cause of justice that makes him a truly outstanding candidate for the Federal Judiciary.

During my tenure as Attorney General I worked closely with Jack during the multistate tobacco litigation initiated on a bipartisan basis by more than 40 Attorneys General in the mid-1990's. As Attorney General, I was directly involved in the prosecution of our lawsuit and in the settlement negotiations between the Attorneys General and the tobacco industry. In that capacity I had the ability to work with and observe Jack over an extended period of time as he represented many states' interests, including Rhode Island; in short, what I observed was an attorney who was smart, ethical, diligent and absolutely dedicated to the cause of justice on behalf of his client.

Since our interaction in the public sector I have remained very aware of Jack's talents and abilities as an attorney. I closely followed the lead paint litigation in Rhode Island, where Jack led the fight on behalf of the victims of this public health problem.

He has always fought for those less fortunate who might otherwise not have had a voice in the judicial system. Jack has been that effective voice for many people for many years. I also believe that as an experienced litigator Jack has an outstanding ability to look at legal issues from all perspectives, without bias or predisposition, and I have no doubt that he would be fair to all litigants who appear before him. In my opinion he would bring the kind of experience to the federal bench that would make him an outstanding judge presiding at trials, and a fair and impartial arbiter for those who come before him.

I also have the pleasure of knowing Jack outside of legal circles, and while I consider him a friend, my comments about him as a person and family man are not influenced by our friendship—they are objective assessments that are very easy to make.

Jack and his wife Sara have three children who are very close in age to each of my three children. For most of the past fifteen years our children have attended the same schools at the same time. Jack is a devoted and dedicated father who understands the importance of being there for your family even if the demands of a busy career are always present. All three of their children have grown up with strong values, a sense of giving back to society, and the same kind of commitment to others that Jack and Sara have. Jack understands the balance that needs to be struck between career and family, and while he has achieved great success professionally, he retains the strong values of his own upbringing, which he in turn imparts to his children.

In addition to his professional accomplishments and commitment to his family, Jack has always been very active in the community, involved in a number of civic activities, and he has been honored for his efforts on many occasions. He enjoys an outstanding reputation in both the legal community and the community at large, and many organizations have recognized his commitment to his public service.

In conclusion, there is no question in my mind that Jack would be an honest, principled, ethical and fair judge. He would be a credit to our state and to our judiciary. He has earned this prestigious position for his many years of hard work, legal experience and success as an attorney, as well as his position in the community as a respected civic leader and family man.

I enthusiastically support his candidacy for a position on the federal bench.

If I can answer any questions or be of further assistance to you, please don't hesitate to contact me.

Sincerely,

JEFFREY B. PINE.

PASTER & HARPOOTIAN, LTD.,
COUNSELLORS AT LAW,
Cranston, RI, May 7, 2010.

Hon. PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: Thank you for allowing me the time to write to you in support of my friend and colleague, John J. McConnell, Jr., for confirmation to the United States District Court for the District of Rhode Island. The Senate Judiciary Committee is scheduled to hold a confirmation hearing on his appointment on May 13, 2010.

I have known Jack McConnell for many years as a professional colleague, fellow dedicated board member of Trinity Repertory Company here in Rhode Island and as a very friendly political rival.

Time and again, Jack has proven that he is a man of great principle and integrity. While being a vigilant advocate for his clients and the causes that he has taken up during his professional career, Jack has always conducted himself in the most ethical and professional manner; a trait unfortunately sometimes not found among lawyers today.

Jack and I also know each other from being on opposites sides of the aisle politically, including some elections as well. As you know, elections can turn bitter and the participants can sometimes allow themselves to get caught up in the bitterness to the extent of it becoming personal. One of the greatest characteristics that I admire about Jack so much is that, despite political differences of opinion, he never allowed those differences to become personal, or to cloud his judgment. As a result, we have always enjoyed spirited conversation regarding political issues, but have remained great friends.

These characteristics lead me to unqualifiedly support Jack's confirmation to the United States District Court for Rhode Island.

Please do not hesitate to contact me if you believe I have information which may be helpful to you in this process.

Thank you very much for your kind consideration.

Very truly yours,

JOHN M. HARPOOTIAN.

EXECUTIVE CHAMBER,
CITY OF WARWICK, RHODE ISLAND,
May 7, 2010.

Hon. JEFF SESSIONS,
Ranking Member, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR SESSIONS: I am pleased to write this letter in support of John J. ''Jack'' McConnell, Jr., who is seeking appointment to the United States District Court for the District of Rhode Island.

Jack had been an acquaintance of mine for many years, but it was not until we began serving together for two non-profit agencies—Crossroads Rhode Island's Board of Directors and the Institute for the Study and Practice of Non-Violence that I got to know him well. Jack is a man of integrity, a strong sense of community and a very fair and forward-thinking individual.

As the Republican Mayor of Rhode Island's second largest community, I have always firmly believed that the ability to reach consensus among people of differing points of view is critical to the well-being of our residents and our state as a whole. In the time I have come to know Jack, I have realized that he shares this same philosophy.

The District Court appointment is a critical one to ensure that our justice system continues to provide victims and their accused with an opportunity to be heard fairly and impartially. I believe that Jack would be a valuable asset to the bench and a good representative of Rhode Island in the federal court system.

I am proud to offer this recommendation and respectfully urge you to give him your serious consideration. Thank you for your attention.

Sincerely,

SCOTT AVEDISIAN,
Mayor.

ARLENE VIOLET, ESQ.,
Barrington, RI, Dec. 10, 2010.

In Re Jack McConnell.

DEAR SENATOR SESSIONS: As a former Republican Attorney General I have followed your career from the day you became the Attorney General for your state. You have acquitted yourself very well and have served the people of Alabama with diligence and competence.

I am writing to you in support of the nomination of Jack McConnell. As an attorney for close to 36 years I have known Jack for about 20 of them. I often appeared in court and on occasion he'd be ahead of me on the docket and I'd be on ''standby'' for my case. I observed a carefully prepared advocate who had done his homework. He is a highly respected attorney here because his word was his bond. His forthrightness as an attorney along with his competence and honesty have convinced me that he will be a fair and balanced judge on the federal bench.

He has also been on the Board of Trustees at Roger Williams University where I am also a trustee. He has been the voice of reason and analysis on the tough issues facing universities today. His judgment is finely honed and I have no doubt that he will apply his analytical skills in service to the highest standards of jurisprudence. I respectfully ask you to confirm his nomination to the bench.

With every best wish for you and your family, I remain,

Sincerely yours,

ARLENE VIOLET.

SUPREME COURT OF RHODE ISLAND,
FRANK LICHT JUDICIAL COMPLEX,
Providence, RI, Feb. 9, 2009.

Re John J. McConnell, Jr.

Hon. JACK REED,
U.S. Senate,
Cranston, RI.

DEAR SENATOR REED: I have recently learned that the subject attorney has applied to your office as a candidate for appointment to the United States District Court for the District of Rhode Island. It may be of assistance in evaluating his application if those who are familiar with his professional background write concerning his outstanding qualifications.

I have known Mr. McConnell since 1983 when he served as a law clerk to Justice Donald F. Shea of the Rhode Island Supreme Court. Prior to this service, he graduated from Brown University and Case Western Reserve University School of Law. His talent and personality were outstanding from the earliest stages of his career.

Since he left our court, I have observed, with great admiration, his meteoric rise as a trial lawyer. He has been lead counsel in a number of extremely high profile cases in both State and Federal Courts. His work in the negotiation of the master settlement agreement with the tobacco industry on behalf of forty-six states is legendary in the annals of litigation. His achievements in asbestos litigation are equally distinguished and involved some of the most complex cases on record. He has been recognized by his peers with numerous awards for service to the profession as well as designation as one of the best lawyers in America. The Rhode Island Bar Association has honored him for his service to the poor and disadvantaged.

His compassion and charitable contributions have benefited agencies in the field of health, education and service to the poor and homeless. His service as a director of Crossroads Rhode Island is only one example of his reaching out to the needy and dispossessed.

He has been active in civic affairs in the City of Providence, the State of Rhode Island as well as on the national level. He is a splendid example of a model citizen whose advice and counsel are sought after and freely given.

His great experience as a litigator has given him exceptional knowledge of the intracies of the rules of practice and procedure in the federal courts. He would be superbly qualified to preside as a federal judge over the most challenging and complex cases. He is a man of keen intelligence and impeccable integrity. He would be a splendid addition to the distinguished bench of the United States District Court of Rhode Island.

Sincerely yours,

JOSEPH R. WEISBERGER,
Chief Justice (Ret.).

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I rise to oppose the cloture motion on Jack McConnell, who has been nominated to be U.S. district judge for Rhode Island.

In the first few months that I have been ranking member of the Judiciary Committee, I have worked in good faith to move forward with consensus nominees. We have taken positive action on 68 percent of the judicial nominees submitted in this Congress. Despite my efforts, friends on the other side of the aisle and the President's top lawyer continue to claim we are not moving fast enough. There are additional consensus nominees the Senate could turn to. We could confirm additional district judge vacancies, as we have been doing. But rather than continuing to move forward with consensus nominees, the majority leader chose to throw up a detour and proceed to one of the President's most controversial nominees, Mr. McConnell. It seems no good deed goes unpunished.

Before turning to Mr. McConnell's record, I want to say a few words about the use of extended debate in considering judicial nominations. My friends on the other side have made some comments on this issue that are pretty difficult to understand given the record there.

First, with respect to district court nominees, and contrary to what my colleagues have suggested, there have been in the past filibusters of district court nominees. Most recently, the Democrats successfully filibustered a district court nominee in 1999, Mr. Brian Stewart by a vote of 55 to 44. Judge Stewart was ultimately confirmed.

But the fact of the matter is that district court nominees have been filibustered, and it was Democrats who first took the step. On circuit court nominees, the record is far worse. I would note that I do not necessarily like to

vote against cloture on judicial nominees. I do not take these votes lightly. But these are the rules that the other side instituted.

Under the precedent and threshold that the Democrats first established, Members must decide whether they believe they should move forward to a vote on confirmation of this nominee. By any fair measure, Mr. McConnell qualifies as a very extraordinary circumstances. I have reached this conclusion based on a number of factors. I want to discuss a couple of these reasons now.

I am particularly troubled by the way Mr. McConnell handled himself before the committee. I believe Mr. McConnell at best misled the committee when he testified about his familiarity with a set of stolen legal documents that his law firm obtained during the lead paint litigation. When asked about these documents during his committee hearing, he testified that he saw the documents ''briefly'' but that he was not familiar with them ''in any fashion.''

But several months after his hearing, Mr. McConnell was deposed under oath about those same documents. In his sworn deposition, Mr. McConnell testified that he was the first lawyer to receive the documents. He drafted a newspaper editorial citing information that came directly from those documents. He testified that he reviewed and signed a legal brief that incorporated the stolen documents. And even though he told the committee that he was not familiar with the documents ''in any fashion,'' during his deposition he testified that he did not see any indication on the documents that they were confidential or secret.

How could he know the documents were not confidential or secret if, as he testified before the committee, he was not familiar with them ''in any fashion?''

Given these facts, it is hard to square Mr. McConnell's testimony before the committee with his sworn deposition testimony a couple of months later.

The litigation over these documents remains ongoing. We do not know how it will conclude. We do not know whether Mr. McConnell and his law firm will be held liable for the theft of these documents. But what is the Senate going to do if we confirm this individual but at some later date he or his law firm are found liable for theft? At that point, it will be too late. Members will not be able to reconsider their votes.

The Wall Street Journal recently opined that Mr. McConnell's ''changing story about his lead paint advocacy is enough by itself to disqualify him from the bench.'' I could not agree more.

There are other aspects of Mr. McConnell's record that concern me a great deal, which I will outline later. I will just conclude by saying this. I have supported the overwhelming majority of President Obama's judicial nominees. If it were up to me, I would not have nominated many of those individuals. But I supported them nonetheless. Mr. McConnell is in an entirely different category. I believe that he misled the committee when he testified before us. For that reason alone, I do not think he should be rewarded with a lifetime appointment to the Federal bench. But even if I did not have that concern, I could not support this nominee.

I yield back the time that was allotted to me.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, I hope that all Senators have had a chance to consider the remarks of the Senators from Rhode Island on this nomination. I do not think anyone could listen to the remarks of the distinguished senior Senator from Rhode Island yesterday and today and come away doing anything other than voting for cloture. Likewise, Senator WHITEHOUSE, who spoke this morning and has shepherded this nomination through the Senate Judiciary Committee, has done an outstanding job in his statement not only this week but throughout the course of this nomination, which now extends into a second year. They have set forth not only the merits of this nominee, but also what is at stake for the Senate and the country if Senate Republicans take the virtually unprecedented action of filibustering a Federal district court nominee.

Jack McConnell has bipartisan support from those in his home State. Leading Republican figures in Rhode Island have endorsed his nomination. They include First Circuit Court of Appeals Judge Bruce Selya; Warwick Mayor Scott Avedisian; Rhode Island Chief Justice Joseph Weisberger; former Rhode Island Attorneys General Jeffrey Pine and Arlene Violet; former Director of the Rhode Island Department of Business Barry Hittner; former Rhode Island Republican Party Vice-Chair John M. Harpootian; and Third Circuit Court of Appeals Judge Michael Fisher.

With more than 25 years of experience as an outstanding litigator in private practice, Mr. McConnell has been endorsed by the Providence Journal, which wrote:

> In his legal work and community leadership [he] has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist.

That is what Senator REED talked about, the nominee's qualifications, experience, temperament, integrity, and character.

Just a few years ago, Republican Senators argued that filibusters of judicial nominees were unconstitutional, and that every nominee was entitled to an up-or-down vote. Of course, they said that with a Republican President. Now suddenly things have changed. At that time, a number of Republican Senators joined in a bipartisan memorandum of understanding to head off the ''nuclear option'' and agreed that nominees should only be filibustered under ''extraordinary circumstances.'' No one could seriously argue that this Federal district court nomination presents anything approaching ''extraordinary circumstances'' that might justify a filibuster to prevent a vote on the nomination.

It would be unfortunate if Senators were to knuckle under to the demand for a filibuster by special interest business lobbies. Mr. McConnell should not be filibustered for being a good lawyer, yet that is at the root of any opposition. The corporate lobby opposes him because he successfully represented plaintiffs, including the State of Rhode Island itself, in lawsuits against lead paint manufacturers. Some here in the Senate may support the lead paint industry. That is their right. I support the right of this attorney to bring legal claims based on the poisoning of children by the lead in paint and to hold those responsible accountable. You can support the lead paint manufacturers or you can support the children who were poisoned. I will stand with the children. That is what Mr. McConnell did. That is why the business lobbies oppose him. No Senator should oppose Mr. McConnell for doing what lawyers do and vigorously representing his clients in lawsuits. That is not a justification to filibuster this nomination. Mr. McConnell has testified and demonstrated that he understands the differences between the role of the judge and the role of an advocate for one of the parties.

With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 13 judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. No one should be playing partisan games and obstructing while vacancies remain above 90 in the Federal courts around the country. With one out of every nine Federal judgeships still vacant, and judicial vacancies around the country at 93, there is serious work to be done.

I have made it a practice as the chairman of the Senate Judiciary Committee to respect the views of home State Senators from both sides of the aisle. I have encouraged President Obama to work with home State Senators from both sides of the aisle. Republican Senators used to defer to home State Senators on Federal district court nominations. That was their justification for voting both for or against nominations during the last several years. But if Senate Republicans abandon that deference and engage in a filibuster of this Federal district court nominee, and ignore the strongly held views of home State Senators, then they will be undercutting all those understandings and practices.

When home State Senators as widely respected and as serious about the rule of law as the Senators from Rhode Island endorse a Federal district court

nominee, that nominee should not be filibustered. They never have been. I have been here 37 years. We used to treat each other, as well as such nominees willing to serve on the bench, with respect. I hope that today the Senate will return to that tradition. I trust that Senate Republicans will not go down the dark path on which they are headed.

Senator REED spoke yesterday of the precipice on which the Senate is poised. Senator WHITEHOUSE, Senator FEINSTEIN, and Senator SCHUMER have spoken eloquently on this issue as well. I urge all Senators, Senators on both sides of the aisle, to do the right thing to honor our constitutional role and traditions, and to vote in favor of ending this filibuster so that the nomination of Jack McConnell can then be considered on the merits and voted up or down.

I reserve the balance of my time and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

SBIR/STTR

Ms. SNOWE. Madam President, I rise today regrettably, as ranking member of the Small Business Committee, to announce that I will be opposing cloture on the pending legislation regarding small business. I have reached this decision after much deliberation, because I support the underlying legislation. In fact, I have championed the Small Business Innovation Research Program since its inception in 1982, when I was serving in the House of Representatives.

But regrettably there has been a disturbing trend in this body over the past several years of disregarding the minority rights and flat out disallowing votes on our amendments. We were informed early this year that we would have an open amendment process on legislation in this Congress. We were told, let's let the Senate be the Senate again. I could not agree more. Let's allow Senators to offer amendments and have votes on them. That is the Senate that I know, and the one that has served our country so well since it first convened in 1789.

As we all well know, the Senate has traditionally been a place where the rights of the minority were protected, and where constructive debate is the rule, not the exception. It is supposed to be the institutional check that ensures all voices are heard and considered. Because while our constitutional democracy is premised on majority role, it is also grounded in a commitment to minority rights.

The fact of the matter is, we have been considering the small business innovation research legislation since March 14, a month and a half ago. Over the course of that time, when excluding weekends and recesses, the Senate was in session 15 days. And in those 15 days, we had merely 3 days in which the Senate has held votes related to this legislation—3 days.

Furthermore, we have voted on 11 amendments out of 137 amendments filed prior to the Easter recess, which hardly represents an open amendment process. So we have 137 amendments filed. What do we do? We do not hold votes or debate these issues, allowing those amendments to be offered, we go on a 2-week recess, a fact that was not lost on the American people. What they saw was business as usual in Washington, acting as if there is nothing wrong in America today.

So it is disappointing to hear the statements that the Republicans are not allowing this bill to move forward. We are more than ready to move forward with votes on amendments, then onward to final passage. That is how the process works in the Senate.

We could have already been at that point if we had been given the time, instead of having recesses and days off and morning business. Indeed the majority has squandered the time of the past several months not on this legislation but in quorum calls and in morning business. There was nothing else commanding our attention.

There were several days we voted for the continuing resolution. I understand not having votes on those days. But just 3 days for votes out of 15 is unfortunate, not to mention underachieving. We could have held votes on any other day.

Indeed, on April 19, USA Today ran an article titled, ''Two chambers work at different paces.'' It noted that the House of Representatives has held 277 roll call votes as of April 18, the most in that period of time since 1995 following the Republican Revolution. The article then shifted its focus to the Senate, where it noted that our body has held a mere 68 record votes ''the fewest roll-call votes since 1997''! One of our colleagues in the House joked last month that the Senate has two paces—''slow and glacial.'' It would be humorous if it didn't mean that the American people are getting shortchanged by their elected representatives, who were sent here to vote on the critical issues facing our country.

Voting is our primary responsibility, as are amendments to flesh out the legislative process. We should have had a vote on the legislation I was offering as an amendment, in conjunction with Senator COBURN and six other cosponsors on regulatory reform, to reduce the burden on our Nation's small businesses.

This would have had a direct impact, here and now, on the ability of small businesses to create jobs. I am mystified as to why I cannot have a vote on this regulatory reform amendment as the ranking member of the Small Business Committee.

In November, the Senate Small Business Committee held a hearing on regulatory reform. It was noted in that hearing that a 30-percent reduction in regulatory costs in an average 10-person firm would save nearly $32,000, enough to hire one additional individual. After enduring 26 straight months with unemployment at or above 8 percent, it is more imperative than ever that we finally liberate American small businesses from the regulatory burden that diminishes our ability to compete globally and create jobs at home.

The regulatory reform amendment I am proposing with Senator COBURN is strongly supported by a variety of small business community organizations: the NFIB, the Chamber of Commerce, and 28 other groups.

I ask unanimous consent to have that letter printed in the RECORD.

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

MAY 2, 2011.

Hon. OLYMPIA SNOWE,
U.S. Senate,
Washington, DC.
Hon. TOM COBURN,
U.S. Senate,
Washington, DC.

DEAR SENATORS SNOWE AND COBURN: As representatives of small businesses, we are pleased to support Senate Amendment 299, the Small Business Regulatory Freedom Act of 2011. This amendment to S. 493, the SBIR/STTR Reauthorization Act, puts into place strong protections for small business to help ensure that the federal government fully considers the impact of proposed regulation on small businesses.

In an economy with high unemployment, and where almost 2/3 of all net new jobs come from the small business sector, we appreciate that your legislation would require regulators to further analyze the impact of certain proposals on job creation. The annual cost of federal regulation per employee is significantly higher for smaller firms than larger firms. Federal regulations—not to mention state and local regulations—add up and increase the cost of labor. If the cost of labor continues to increase, then job creation will be stifled because small businesses will not be able to afford to hire new employees.

The Small Business Regulatory Freedom Act expands the scope of the Regulatory Flexibility Act (RFA) by forcing government regulators to include the indirect impact of their regulations in their assessments of a regulation's impact on small businesses. The bill also provides small business with expanded judicial review protections, which would help to ensure that small businesses have their views heard during the proposed rule stage of federal rulemaking.

The legislation strengthens several other aspects of the RFA—such as clarifying the standard for periodic review of rules by federal agencies; requiring federal agencies to conduct small business economic analyses before publishing informal guidance documents; and requiring federal agencies to review existing penalty structures for their impact on small businesses within a set timeframe after enactment of new legislation. These important protections are needed to prevent duplicative and outdated regulatory burdens as well as to address penalty structures that may be too high for the small business sector.

The legislation also expands over time the small business advocacy review panel process. Currently, the panels only apply to the Environmental Protection Agency, the Occupational Safety and Health Administration, and the Consumer Financial Protection Bureau. These panels have proven to be an extremely effective mechanism in helping

agencies to understand how their rules will affect small businesses, and help agencies identify less costly alternatives to regulations before proposing new rules.

We applaud your efforts to ensure the federal government recognizes the important contributions of job creation by small business, and look forward to working with you on this important legislation.

Sincerely,

Air Conditioning Contractors of America, American Bakers Association, American Chemistry Council, American Farm Bureau Federation, Associated Builders and Contractors, Food Marketing Institute, Hearth, Patio & Barbecue Association, Hispanic Leadership Fund, Independent Electrical Contractors, Institute for Liberty, International Franchise Association, National Association for the Self-Employed, National Association of Home Builders, National Association of REALTORS, National Association of the Remodeling Industry (NARI).

National Automobile Dealers Association (NADA), National Black Chamber of Commerce, National Federation of Independent Business, National Funeral Directors Association, National Lumber and Building Material Dealers Association, National Restaurant Association, National Retail Federation, National Roofing Contractors Association, Plumbing-Heating-Cooling Contractors—National Association, Printing Industries of America, Small Business & Entrepreneurship Council, Snack Food Association, Society of American Florists, U.S. Chamber of Commerce, Window and Door Manufacturers Association.

Ms. SNOWE. We have taken great strides to address the concerns of those from across the aisle. But they keep moving the goalposts. For instance, some did not like our definition of indirect effect and costs with respect to evaluating the impact of regulations on small businesses. So we agreed to take the language that was initially proposed by Dr. Sargeant with the Office of Advocacy at the Small Business Administration. He is the President's top small business regulatory appointee.

It was expressed that the Office of Advocacy would require more funding to carry out these additional responsibilities. I agreed. We proposed increased authorization for the funding for this office. Moreover, we offset that spending with cuts in the SBA, already proposed in the President's 2012 budget.

There were concerns with language that would require that rules sunset if agencies failed to review them as required by law, by the way. So we developed a compromise. Instead there would be a ''stick'' of reducing an agency's budget for salaries by 1 percent if it failed to comply with its review requirements under law. Moreover, it includes several safeguards to allow the agency to have multiple bites out of the apple to satisfy their legal requirements. We heard that some Democrats might oppose adding regulatory review panels at every agency, immediately, saying that doing so would be too much, too soon and that a phase-in would be more responsible so we proposed a modest phase-in approach of three additional agencies per year over 3 years. After all, what is wrong with having small business review panels established at agencies, when they are proposing rules? Let's determine whether those rules are going to affect small businesses before they are implemented in the rulemaking process, not after.

You know, I hear in the Senate, well, we will see. We will let the rules take effect, and then see what happens to small businesses afterwards. Does anybody understand what that means for a small business on Main Street in America to have to implement a regulation that is handed down from the Federal Government—the cost of compliance, the added number of employees it requires just to deal with the regulatory burden? They can't afford it. After all, we are in an age of high unemployment. It is persistent.

So we could deal with this issue here and now. We have had a number of hearings over time on regulatory reform. The Homeland Security and Government Affairs Committee has had hearings on regulatory reform. The time is now to address it.

Furthermore, what is the problem with allowing a vote on this amendment? That is what I don't understand. Why can't we have a vote on the amendment on regulatory reform? If those on the other side do not want to support it, they can vote against it. But let's have a vote. Let's have a debate. What else are we doing?

We just came off of a 2-week recess. I cannot imagine anybody that went home and talked to small businesses on Main Street or to the average person who is desperately searching for a job not understanding that we need to do something about these key issues.

We should focus more on issues like this and less on concerns about lunches, or recess. It is about doing our work in the Senate however long and however hard it is, but to do it. That is what this issue is all about. It is about doing things that are going to matter on Main Street, and regulatory reform matters on Main Street. We can talk about it endlessly. The time is now to act. That is what this is all about. Let the Senate work in the traditions of the Senate: an open, deliberative process.

When we had the continuing resolution, we had 700 amendments in the House of Representatives. What amendments did we have? The same is true now. They are shutting down the process. I am told that we had 137 amendments, and what did the Senate do? Go on recess for 2 weeks.

The point is, we have a serious problem in America. It is persistently high unemployment. It is subpar growth. The economic conditions are deeply troubling. We have to get the show on the road, and that means regulatory reform.

It is one of the chief, foremost concerns among small businesses. Among the plethora of concerns they have about what we are doing or not doing, one of the foremost issues is regulatory reform, and we are dithering. I can't even get a vote on the amendment. Vote yes or vote no. Let's debate it.

Is there anything else we are doing in the Senate? Can somebody tell me? We just came off of a 2-week recess, and I am mystified why we are just driving this to a cloture vote and I am denied a vote on an amendment that is so relevant to the well-being, to the survival of small businesses—regulations.

There was a $26 billion increase in regulation costs last year. That is on new regulations. The total cost is $1.7 trillion overall. Some have debated that cost saying that is not a true cost. They say: No, it is this cost. It is a lesser cost. Some say: Well, it is less than $1 trillion. Why? Because they do not count the IRS. Well, ask the small businesses if IRS regulations are hampering their well-being and suffocating the entrepreneurial spirit in America, or the FCC or all the myriad of other independent agencies that are not included. I suggest everybody take Main Street tours and see what is happening.

If we are wondering why we can't create the jobs that are necessary for America, then just look right here. We are shutting down the process with cloture votes. For what? Because we can't have a debate. We can't have votes. We are doing nothing.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator's time has expired.

Ms. SNOWE. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I urge my colleagues to vote for cloture on this important bill. It is the Federal Government's largest research program for new technologies and innovation. It is a job creator. It is widely supported by many business organizations in this country. It is a bill that should have passed 6 years ago. It is a bill, a statute, that will expire in less than 30 days from now. If we don't vote favorably on this bill today, there will be virtually no chance of this program being extended under law, and we will either have to eliminate the program entirely or we will revert back to no way to do business, which is a 3-month or 6-month rolling extension.

I wish to answer a few of the charges made by my colleague. First of all, I have the greatest respect for my ranking member, and I can understand her frustration as being the ranking member of the Small Business Committee and not getting her amendment on the Senate floor. I would respectfully remind her that we could have had a vote on her amendment in committee except that her side demanded—and I wish to submit a letter to the effect—that the bill come out of our committee clean; that the SBIR bill not be attached to anything else so we could have an open debate on it because it has been going on for 6 years.

No. 2, an open amendment process, which the majority leader has been more than gracious with, considering

the fact that 150 amendments have been filed on a bill that is only 116 pages long, and 95 percent of these amendments have nothing to do with this bill—the majority leader has been more than patient. But an open debate does not—on the Senate floor, an open and free debate does not mean eliminating the committee process in the Senate that has existed, to my knowledge, as long as this body has existed, and it never will.

We cannot trample on the rights of our committees, whether it be Homeland Security, which has primary jurisdiction over this issue, or the Small Business Committee, which has some jurisdiction over this issue. But because this regulatory reform bill is so far reaching and a necessary debate to have—not here, not now, not on this Senate floor but in the relevant committees. In fact, there are four other bills besides that of my ranking member. Senator VITTER has one bill, and I will submit for the RECORD other bills that have been filed, in fact, on this exact subject.

The chairman of the Homeland Security Committee, who sits right here at this desk, has already agreed to have a hearing on all of these bills because Senator SNOWE, with all due respect, is not the only Member who has an interest in regulatory reform. My committee, which I chair, does not have complete jurisdiction over this issue. Commerce is interested in it. Homeland Security is interested in it.

I can't pull a bill—I don't believe it is right to pull a bill from the floor to have a vote that has not had a hearing in any committee of the Senate. That is not an open process. That is an ask that is impossible to agree to.

No. 3 in my argument: If we vote no on cloture, I wish to remind Senators the amendments of Senator CARPER and Senator VITTER will see no light of day. They have good amendments they have been working on for 3 years that have had committee review to help expedite the sale of Federal buildings that could save taxpayers millions of dollars. That amendment will go down.

The Cornyn amendment, which establishes a commission to cut spending which will also save taxpayer money and reduce the burden on taxpayers, that amendment will go down.

Senator PAUL's amendment to reduce spending by $200 billion, he will not get the majority of our votes, but there will be an interesting debate on whether we can cut $200 billion out of the Federal Government. We lose that amendment.

Senator HUTCHISON has an amendment for us to debate all of the regulations in the entire universe on health care. People are complaining about regulations for health care. We are giving a vote on that. That amendment will not be voted on.

Senator CARDIN has an amendment to fix surety bonds. We are going to lose that.

Senator SNOWE, herself, has an amendment to prevent fraud in contracting. We are going to lose that.

So, evidently, 95 percent of the loaf is not enough. So we either get 60 votes on this bill or we don't.

Mr. President, I wish to give my last minute to Senator SHAHEEN, and I wish to ask her a question. What actually did the Senator hear in the Armed Services Committee that is relevant to this bill? If I have 2 seconds, go ahead and tell me.

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

Mrs. SHAHEEN. I took the opportunity yesterday in an Armed Services Committee subcommittee to ask Department of Defense officials who have been responsible for maintaining our military technological edge what the impact would be on DOD's research if Congress does not reauthorize the SBIR Program. Assistant Secretary Zachary Lemnios said the SBIR is ''something we absolutely need.'' He spoke of what it is like talking to small innovative companies he works with through SBIR, and he told me:

> There are small companies willing to take some risk in areas where larger companies just, for whatever reason, just don't. You spend a day with a small business like that, and your mind explodes with new ideas.

That is the kind of innovative spirit we need to stay competitive. We need this for America's national security, and as the Senator from Louisiana points out, this is a program that creates jobs.

We need to get this reauthorization done. We need to talk about regulatory reform, but we need to do this first.

In a few minutes we will be voting on whether to move forward with a bill reauthorizing a program that is critically important to my home State of New Hampshire and the entire country—the Small Business Innovation Research program, or SBIR.

As Chair LANDRIEU has pointed out, the Senate has been debating this bill for 5 weeks now. My colleagues and I from the Small Business Committee have come to the floor several times to talk about the importance of this program for the future of our economy. The bottom line is that SBIR promotes innovation among the entrepreneurs that will keep the American economy competitive in the 21st century.

But as we decide whether to move forward with this bill—which has broad bipartisan support—I wanted to talk about the importance of SBIR—not just for our small businesses, but also for our national defense.

Many agencies have come to rely on small, innovative companies to help them think outside the box and solve important problems. This is especially true for agencies that are charged with protecting our national security. Agencies like the Department of Defense rely on small companies to perform R&D that often leads to technologies that help our troops in the battlefield and help secure our country.

I took the opportunity yesterday at an Armed Services Committee hearing to ask the Department of Defense officials responsible for maintaining our military's technological edge what the impact would be on DOD's research if Congress did not reauthorize SBIR. Assistant Secretary Zachary Lemnios said the SBIR is ''something we absolutely need.'' He discussed what it is like talking to the small, innovative entrepreneurs that he works with through the SBIR program. He told me, ''there are small companies willing to take some risk in areas where larger companies just, for whatever reason, just don't. You spend a day with a small business like that, and your mind explodes with new ideas.''

That is the kind of innovative spirit that we need to stay competitive. And it is the same spirit that agencies like the Department of Defense need to keep America secure. In 2010, the Department of Defense issued nearly 3,000 awards through the SBIR program.

Let me give just one example of a company in my State that has benefitted from the SBIR program and has helped the Department of Defense develop a product that is currently helping our troops carry out their missions.

Earlier this year, I visited a firm called Active Shock in Manchester, NH. Active Shock showed me the suspension technologies that it developed with funding from a competitive SBIR award. These technologies are now used by the Department of Defense to help our troops in the field. They help stabilize our war vehicles in rough terrain.

This is exactly the kind of high-tech product that is developed as a result of SBIR. And SBIR awards are absolutely critical for these small companies. Bill Larkins, the CEO of Active Shock, told me that Active Shock would simply not be here today were it not for the SBIR program. The products that Active Shock developed also have commercial applications, so the SBIR awards have helped them grow and create jobs. Active Shock started with only a few employees; now, it has grown to over 30 employees.

Active Shock is just one of many small firms in New Hampshire that have successfully competed for funding through SBIR in the 28 years it has been in existence. All across New Hampshire, small businesses that otherwise would not be able to compete for federal R&D funding have won competitive SBIR grants that advance technology and science and create good jobs. In just the last 2 years, New Hampshire firms have won 80 SBIR awards.

And many of these companies are helping the Department of Defense meet its R&D needs—in fact, despite its small size, New Hampshire is ranked 22nd in the Nation for total grants awarded from the Department of Defense since SBIR began.

We need to focus on smart ways to create jobs and stay competitive. This

program is critical for meeting that goal. But we also need to remember that SBIR also enhances our national security.

I encourage my colleagues to join me in supporting this important program.

Ms. LANDRIEU. Mr. President, I thank the Senator for answering my question.

I would like to submit many more things for the RECORD. But, again, I wish to close, because we are 10 minutes extended from the vote, by asking the Senate to please consider voting for the SBIR Program. If we don't it will expire on May 31 this year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Republican leader.

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

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

NOMINATION OF JOHN MCCONNELL

Mr. MCCONNELL. Mr. President, the Senate will shortly vote on the cloture motion on the Jack McConnell nomination. We have been working in good faith with our Democratic colleagues to confirm consensus judicial nominees in general and to fill judicial emergencies in particular. So it is disappointing that our Democratic friends have chosen to depart from this bipartisan practice and to press the McConnell nomination which would not fill a judicial emergency and is about as far from a consensus nomination as one could imagine.

Mr. McConnell has described his judicial philosophy in this way:

> There are wrongs that need to be righted, and that's how I see the law.

In Mr. McConnell's eyes, the wrongdoers in America are invariably its job creators.

His legal career has been marked by a pervasive and persistent hostility to American job creators. This bias against one part of American society is fundamentally antithetical to the rule of law, and it has led him to take a series of troubling actions that show his unfitness for a lifetime position as a fair and impartial judicial officer.

For example, he has filed what his hometown newspaper described as a ''ludicrous'' lawsuit against businesses. This case ended up costing not just the companies but Rhode Island taxpayers as well. After the State's supreme court unanimously rejected his frivolous legal theory, his clients—the taxpayers—had to pay a quarter of a million dollars in lawyers' fees.

Rather than be contrite about the damage he had done, he lashed out at his State's supreme court, saying it let ''wrongdoers off the hook.'' He has made other intemperate statements as well that underscore his bias, such as when he insisted that one American industry only does ''the right thing'' when it is ''sued and forced to by a jury.''

After such a long record of hostility toward one segment of American society, it is difficult to believe Mr. McConnell can now turn on a dime and ''administer justice without respect to persons,'' as the judicial oath requires. The business community does not think so, and it is easy to see why.

In fact, the U.S. Chamber of Commerce has never before opposed a district court nominee in its 100-year history—not once. Yet it is so troubled by Mr. McConnell's clear disdain for the business community that it has taken the extraordinary step of opposing this nomination.

Senator CORNYN pointed out yesterday that there are also serious ethical issues with Mr. McConnell's nomination. He pioneered the practice of ''pay to play'' lawsuits, where he solicited lucrative no-bid, contingency fee contracts from public officials.

He has given statements to the Judiciary Committee that are misleading at best and untrue at worst about his familiarity with a case involving stolen litigation documents. There is the outstanding matter of the stolen litigation documents themselves, over which his law firm and several unnamed ''John Doe'' defendants are being sued.

In light of all the problems with the McConnell nomination, I have listened with interest to the admonishments by the chairman of the Judiciary Committee and other Democratic colleagues against opposing cloture on his nomination. I know my record of supporting up-and-down votes for controversial judicial nominees during the administration of President Clinton, and I am equally aware of the determined efforts by my Democratic colleagues ''to change the ground rules'' in the Senate confirmation process once there was a Republican President.

My Democratic colleagues ultimately succeeded in their efforts by repeatedly filibustering President Bush's judicial nominees. I wish our friends had not succeeded and not set up that precedent. But they did. And the precedent is the precedent, and their buyer's remorse now that there is again a Democrat in the Oval Office will not change it.

Over the years, there have been bipartisan concerns with judicial nominees, and cloture has been needed to end debate. Abe Fortas is a famous case. He was opposed by Senators from both sides of the aisle because of ethical issues, and his nomination did not even have majority support, let alone the votes needed to invoke cloture.

But the partisan filibuster is a more recent development, and our Democratic colleagues have been the proud pioneers in this area. In 1986, they mounted the first partisan filibuster against a judicial nominee. That nominee, by the way, was a district court nominee, Sidney Fitzwater.

Also in 1986, they mounted the first partisan filibuster against a nominee to be Chief Justice. That was Chief Justice Rehnquist's nomination.

In 1999, they mounted the first successful partisan filibuster of a judicial nominee. That too involved a district court nominee, Brian Stewart. Both the chairman of the Judiciary Committee and the senior Senator from Rhode Island voted to filibuster Mr. Stewart. I, and all Republicans, voted actually against filibustering him.

Our friends' successful filibuster of this nominee is now inconvenient to their narrative about filibuster norms and propriety. They claim that filibuster does not count. I guess they are saying they only filibustered him to leverage floor votes on other judicial nominees, and once they got what they wanted, he was confirmed. I gather this is the ''coercion exception'' to the body of filibuster precedent they have created.

In 2003, our friends mounted the first successful filibuster of a circuit court nomination. That would be Miguel Estrada's nomination. He was filibustered seven times, in fact. Our Democratic colleagues added to this record by filibustering nine other circuit court nominees, a total of 21 times. That is a record, too. The chairman of the Judiciary Committee and the senior Senator from Rhode Island participated in all of those filibusters as well.

In 2006, led by President Obama himself, our Democratic colleagues mounted the first partisan filibuster of a nominee to be an Associate Justice of the U.S. Supreme Court. That would be the Justice Alito nomination. Our Democratic friends from Vermont and Rhode Island joined in that filibuster, too.

I agree that filibusters of judicial nominees should be used sparingly. Unfortunately, our friends on the other side of the aisle have filibustered judicial nominees whenever it suited their purposes to do so, whether it was to defeat nominees such as Miguel Estrada or to leverage other nominees as with the Stewart nomination. Given their persistent enthusiasm for the judicial filibuster, I do not view our Democratic friends as the arbiters of filibuster propriety.

In this case, I believe the McConnell nomination is an extraordinary one. He should not be confirmed to a lifetime position on the bench. I will oppose cloture, and I urge my colleagues to do the same.

I yield the floor.

Mr. MCCAIN. Mr. President, during my 24 years in the U.S. Senate I have not once voted against cloture for a nominee to the district court, and I will not do so today. As a member of the ''Gang of 14'' in 2005, I agreed that ''Nominees should be filibustered only under extraordinary circumstances.'' The nomination of Mr. McConnell does not rise to a level of ''extraordinary circumstances.''

However, I am deeply troubled by Mr. McConnell's less than candid responses

to the Senate Judiciary Committee, his liberal judicial philosophy, including his public antipathy toward private enterprise, and his strong political activism. For these reasons, I will not support his nomination.

Shaping the judiciary through the appointment power is one of the most important and solemn responsibilities a President has and certainly one that has a profound and lasting impact. The President is entitled to nominate those whom he sees fit to serve on the Federal bench, and unless the nominee rises to ''extraordinary circumstances,'' I have provided my constitutional duty of ''consent'' for most nominees.

While I would not have chosen Mr. McConnell as a nominee to the Federal bench if I were in a position to nominate, I respect the President's ability to do so and therefore will vote for the cloture motion on Mr. McConnell's nomination, but will strongly oppose his nomination to the Federal bench.

SBIR/STTR REAUTHORIZATION ACT OF 2011

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 17, S. 493, the SBIR and STTR Reauthorization Act of 2011.

Harry Reid, Mary L. Landrieu, John F. Kerry, Robert P. Casey, Jr., Michael F. Bennet, Al Franken, Jon Tester, Patrick J. Leahy, Carl Levin, Tom Harkin, Charles E. Schumer, Jack Reed, Maria Cantwell, Kirsten E. Gillibrand, Benjamin L. Cardin, Bill Nelson, Sheldon Whitehouse, Ron Wyden.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Kentucky (Mr. PAUL).

Further, if present and voting, the Senator from Kentucky (Mr. PAUL) would have voted ''nay.''

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

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—52

Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	
Hagan	Nelson (NE)	

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Brown (MA)	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NOT VOTING—3

Akaka	Coburn	Paul

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

EXECUTIVE CALENDAR

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Harry Reid, Patrick J. Leahy, John F. Kerry, Dianne Feinstein, Frank R. Lautenberg, Jack Reed, Sheldon Whitehouse, Robert Menendez, Amy Klobuchar, Barbara Boxer, Daniel K. Inouye, Mark Begich, Mark R. Warner, Kent Conrad, John D. Rockefeller, IV, Richard J. Durbin, Ron Wyden.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the nomination of John J. McConnell, Jr., to be U.S. District Judge for the District of Rhode Island, shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 63, nays 33, as follows:

[Rollcall Vote No. 65 Ex.]

YEAS—63

Alexander	Graham	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Nelson (FL)
Bingaman	Isakson	Pryor
Blumenthal	Johnson (SD)	Reed
Boxer	Kerry	Reid
Brown (MA)	Kirk	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Chambliss	Levin	Tester
Collins	Lieberman	Thune
Conrad	Manchin	Udall (CO)
Coons	McCain	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NAYS—33

Ayotte	Enzi	Moran
Barrasso	Grassley	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Burr	Inhofe	Roberts
Coats	Johanns	Rubio
Cochran	Johnson (WI)	Sessions
Corker	Kyl	Shelby
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	McConnell	Wicker

ANSWERED ''PRESENT''—1

Hatch

NOT VOTING—2

Akaka	Coburn

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 33, with one Senator responding present. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN J. McCONNELL, JR., TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I wish to express my appreciation to my friends on the other side of the aisle for allowing cloture to be invoked on this nomination. It is so important that we not get into a position where we have to file cloture on all these district court judges. If there are real problems, there is the hearing process. That is where, when problems arise, it comes out in the committee, and there is ample time to make a case if you don't like them personally for whatever reason. But this is a good man. The biggest problem he had is he is a trial lawyer—a very fine trial lawyer.

But I express my appreciation to those on the other side of the aisle who

did the right thing. This is going to make the atmosphere around here so much more pleasant. I am disappointed we weren't able to get cloture on the small business jobs bill. That was an important piece of legislation. I thought we had been so very fair on this legislation in allowing amendments, and we are going to continue allowing amendments. There will be rare occasions, as Senator MCCONNELL said when we started this new Congress, when he will not, without a cloture vote, allow us to proceed to a bill. But generally speaking, we have been able to move legislation, and that is important. I have said the same thing about filling the tree. I will still fill the tree, but it will be a rare occasion that we will do that. I think that is going to make things around here a lot better.

Again, I say thank you very much for allowing this to go forward. This is very important that we are able to move on and have the nomination process, as relates to judges, move forward expeditiously. There is a lot of blame to go around as to what has transpired in years past. We are past that. Let us move on. There are things that probably we as Democrats could have done a little differently, and there are things the Republicans could have done differently as it relates to judges. But let us start now, as we have been today, with a new day.

Again, I say for the fourth time, this is a good day for the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I wish to thank all my colleagues, particularly those who supported this motion to invoke cloture. Everyone brought to this floor very vigorous arguments and very clear positions.

I think what has been confirmed today is not just moving forward on the confirmation of one judge but reaffirming a practice in the Senate that if the home State Senators submit a District Court nominee who is then put forth by the President, and if that person—that man or woman—receives the appropriate evaluation by the bar association, the appropriate vetting by the FBI, the appropriate scrutiny of the committee, and then the vote of the committee is to bring that District Court nominee to the floor, that we will move to an up-or-down vote on the merits of the individual District Court nominee.

There were extraordinary individuals engaged in this discussion, and they may view—in fact, I think they do view—the merits quite differently than I. But what they had firmly in mind was not just this moment but the Senate as an institution going forward. I particularly wish to commend Senator ALEXANDER, Senator GRAHAM, Senator COLLINS, Senator BROWN of Massachusetts, Senator MURKOWSKI, Senator MCCAIN, Senator SNOWE, Senator THUNE, Senator SAXBY CHAMBLISS, Senator JOHNNY ISAKSON, and SENATOR KIRK, as well as all my other colleagues who joined.

This vote, I think, to many of my colleagues, was less about an individual and more about whether the Senate would conduct its business in a time-honored tradition with respect to District Court nominees; whether the viewpoints not just of individual Senators from a particular State but the community of that State—the business leaders, the civic leaders, the members of the bar—whether their views and their evaluation would be weighed successfully.

I thank everyone for the opportunity to move forward on this nomination. Again, I appreciate and respect the principled debate and thoughtful debate of those who took a different position. But I think today is not just a case of an individual nomination; I hope it sets the standard going forward—again, a standard that we as Democrats must respect. If a person is nominated to be a District Court judge, if that person passes through the close scrutiny of the bar association, of the FBI, of the Judiciary Committee, and comes to the floor, that District Court nominee deserves an up-or-down vote. That is something we all have to expect. It cannot be a device of convenience for the moment; it has to be a practice of this institution. I think today we went a long way to institutionalize that.

I yield the floor for my distinguished colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I planned to present some similar words—if my senior Senator would stay just for one moment with me on the floor. He spoke so eloquently that I am simply going to associate myself with his remarks, but I also want to add one additional point, which is how much I appreciate his leadership and how hard he worked and the extent to which the credibility he has built over years with his colleagues in this institution has helped to get us to this point. This was not preordained.

There are times here when it feels as if the interest groups that seek our attention and our good wishes control the day around here and there is not much of an institution. Today was a day in which the institution stood up for itself in all the ways Senator REED mentioned. Again, I associate myself with his remarks and add my gratitude and respect for him for his leadership through this process.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak as in morning business and that my time be counted against cloture.

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

Mr. SCHUMER. Mr. President, I wish to add my kudos to Senator REED and Senator WHITEHOUSE from Rhode Island for their persistence and their success today in getting a fine person to the bench.

I also thank my Republican colleagues, those who voted for cloture. Maybe that will help break some of the logjams here. I think it is very meaningful to us on this side of the aisle for that to happen. It should happen, of course, but the fact that it did happen maybe says something—that this is a day, after what happened over in Pakistan, that we can come together. It is meaningful.

I thank Senator MCCONNELL as well. He had his strong views, but obviously we know the respect his colleagues have for him and thank him as well for understanding that there will be differing views within both sides of the aisle as well as on both sides of the aisle.

DEATH OF OSAMA BIN LADEN

I rise to speak on a different subject today, and that is about what happened in Pakistan and the aftermath.

First, of course, the killing of Osama bin Laden, the evil mastermind of the world's bloodiest terrorist organization, was a thunderous strike for justice for the thousands of my fellow New Yorkers and citizens from all over the world who were murdered on 9/11. It took almost a decade, but the world's most-wanted terrorist finally met his fate 4 days ago. New York's heart is still broken from the tragedy of 9/11, but at least this brings some measure of closure and consolation to the families and victims.

When I spoke to the families, one of the things that they said galled them almost every day when they woke up was that their father or mother, brother or sister, son or daughter, husband or wife was gone and bin Laden still lived. That kind of galling knowledge is no longer in their hearts and minds because bin Laden, at least, has met his deserved fate.

We owe a massive debt of gratitude to our military. They have done an amazing job. I sat in on the briefings. Your jaw drops at their professionalism, their excellence, their sacrifice, their courage, their dedication—unbelievable.

That is also true of our civilian intelligence. The CIA, led by Leon Panetta, should be incredibly proud. We know they are. It is an agency that gets too little of the acclaim their accomplishments deserve.

Finally, the job President Obama did should not be forgotten. His steely courage, his quiet courage was incredible. All one had to do was look at some of the films from the Situation Room and learn a little bit of the history to know what an amazing feat this was for our President. He could have taken the easy way out, in a certain sense. He didn't. The easy way out probably would have been an air bombardment, but we never would have known certainly that bin Laden is gone, and there might have been—probably would have been many unnecessary civilian casualties. The President chose the right path.

I want to say something about this President. He is not a chest thumper.

He is not somebody who involves himself in a lot of rhetorical flourishes. He is serious, he is focused, he is factually driven. But let no one mistake the fact that he is fact-driven and often quietly contemplative for a lack of steel or a lack of courage or a lack of strength. This incident showed the true strength of the man. His speech Sunday night—modest but forceful, proud but understated—was President Obama. There has been a lot of talk of lack of determination or taking a side or focus. I think the people who do that mistake the President's steel—often low key, often fact-based, often without chest thumping or big slogans—for a lack of strength. They are so wrong. The actions show it. I think every American, regardless of political party, regardless of political attitude and conviction and ideology, should be proud of our military and of our country but also of our President.

I want to say one more thing about this. I read today's newspapers, and there was a great deal of talk about how some of the facts that were reported in the early moments after this great victory were not exactly correct. There is certainly reason to correct facts, and they certainly are news, but they should not displace the importance of what happened. For critics to dwell on the early discrepancies and over-exaggerate their importance would be an injustice to the magnitude of what really happened. It is only 2 days after we learned early Monday morning of what happened, and all of a sudden, it seems, oh, they messed up this or they didn't do that right or this and that. There were discrepancies and they should be made public, but to dwell on them, to listen to the morning news shows or to look at the headlines blaring, may have us miss the main point, which is that a superb, professional, well-practiced, and almost flawless military mission and civilian accompaniment got rid of the greatest terrorist in the world.

Let's keep our priorities straight. Let's acknowledge, let's find the facts and watch as they come out, let's make sure some of the early comments that were not right are corrected, but let's not let that in any way detract from the greatness and magnitude of what happened. Our focus should be on the successful mission and on the message it sends to the world, which is, to those who would test the resolve of the people of the United States of America: Do not doubt our resolve. If you do us harm, we will find you, we will mete out justice, and we will prevail. That is where our focus should be and should stay.

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.

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

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

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I would like to take a few minutes to acknowledge the steady efforts of our Armed Forces and our intelligence community to eliminate the leader of al-Qaida and to help bring some peace and relief to our Nation and to those who lost loved ones in the tragedy on 9/11.

I have heard some people say justice has been done because the leader of this terrorist organization has finally been killed. I am not one who is going to say justice has been done. I do not consider taking out the leader of a terrorist organization who killed thousands of Americans who just went to work one day to do their jobs, to add to their quality of life and the lives of their families, an even trade. I do not consider it is enough. However, it is a first step to righting the wrong that was done by not only the leader of al-Qaida but all of those he trained through the years to give up their own lives in order to kill innocent people. He ruined the lives of so many Americans, and he also ruined the lives of so many young Muslim followers who gave up a productive life for one of terrorism and murder.

I thank President George W. Bush for his relentless efforts to put this accomplishment in motion. He is the President who received the shock on 9/11, who had to deal with the immediate aftermath, and he put in place the organizations, the military control, and the intelligence gathering that have brought us to this point today.

I commend President Obama for carrying these principles through to completion. As things are unfolding more and more we know President Obama made a very tough and very decisive and correct decision. I think both President Bush and President Obama deserve praise today.

I also especially say I am proud of the Navy SEALs who knowingly went into harm's way to take down Osama bin Laden. Those are the troops who probably thought there was a chance they might not come back home, but they are among the most highly trained forces in the world. They operate in sea, air, and on land. Each and every day they volunteer for some of the most dangerous missions under the most difficult circumstances, and without recognition. Normally, it is something we never hear about that takes us one step closer to wiping out the terrorism we know in the world today. They are truly our Nation's heroes.

While much praise, deservedly, goes to the two dozen Navy SEALs who raided the terrorist stronghold using surprise and lethal speed, we should not think that they went there alone because they did not. Shortly after the world saw the brutality of Osama bin Laden's savage plan unfold on American soil nearly 10 years ago, President Bush took the decisive steps to launch an aggressive campaign to hunt down those responsible, including Osama bin Laden.

One such step occurred on October 26, 2001, when President Bush signed into law the PATRIOT Act. It provided the law enforcement and the intelligence community greater authority to track and intercept communications among suspected terrorists. This law has proven to be immeasurably valuable to the intelligence community. It has enhanced our ability to find and capture terrorists. I hope we will be able to reach a bipartisan agreement to extend the provisions of the PATRIOT Act that are set to expire at the end of this month.

As we have seen from various media reports—and I look forward to getting more details—the ability to monitor communications was a crucial lead used by analysts to determine the eventual location of Osama bin Laden. As my colleagues are aware, the provisions that are set to expire include the authorization for the FBI to use roving wiretaps on surveillance targets because at the time we took up the PATRIOT Act, we were still having to get permission from authorities to wiretap a telephone number—not keeping up with the technology advances that allow you to have a cell phone and never have a landline and throw away a cell phone every 15 minutes if you think you are in danger of being under surveillance.

It also has a ''lone wolf'' provision that allows for the investigation of individuals who are acting alone but who have been radicalized and are sympathetic to terrorist organizations and pose a significant national security threat.

These are just two of the provisions that have enhanced our capabilities to obtain information that has been crucial in capturing not only terrorists we know have already plotted against us but also to uncover their plots before they are able to do harm.

We must not allow the provisions of the PATRIOT Act to expire, especially at a time when al-Qaida is reeling from the death of their leader and could be plotting revenge. Stepping back our intelligence efforts now could allow al-Qaida to regroup and launch additional attacks against our Nation.

Another very important step was taken when President George W. Bush signed the Intelligence Reform and Terrorism Prevention Act in December 2004. This act created the National Counterterrorism Center. This center is the primary organization in the U.S. Government for integrating, analyzing, and sharing all intelligence from the CIA, FBI, Department of Defense, and others which pertains to counterterrorism. This is a very important tool for compiling the various information that was being gathered by many of the intelligence organizations and putting it through one grid and analysis. It was

that painstaking analysis through the last 10 years that allowed actionable intelligence to be the instigator of the effort to take out Osama bin Laden.

Within our military, we have a small group of Tier 1 units that are specially selected and highly trained for this exact type of mission. They have gained fame in the last few decades through books and movies. But these heroes are real.

I wish to point out that the commander of these elite warriors, VADM William McRaven, is a proud Texan from San Antonio, who is also an alumni of the University of Texas. Admiral McRaven is a highly decorated Navy SEAL who lives by the SEAL code and ''earns his trident every day.'' Vice Admiral McRaven has been nominated by the President to receive his fourth star and, if confirmed, will lead U.S. Special Operations Command. I can think of no one better qualified to lead our special operations than he is. I look forward to supporting his confirmation on the Senate floor.

While these highly skilled commandos deserve every accolade that is bestowed upon them, we cannot forget those who guided them to the target: the direct and indirect support personnel, the technicians, the analysts, the pilots and crews, and all those who have worked meticulously and attentively for years to finally put together all the pieces to get the SEALs to the right place at the right time.

We have seen many changes in the past 10 years. Departments and agencies have been consolidated or created, military commanders have retired, and administrations have changed hands. Most of the soldiers who conducted that first raid in Afghanistan in October of 2001 are no longer wearing uniforms, just as most of those in the military today were still in school in September of 2001. Many of those signed up to go into the military after 9/11 because they felt so much loyalty to our country.

I wish to acknowledge those who devoted so many years to pursuing Osama bin Laden. To those who have retired or moved on to other professions, I want you to know we appreciate you and your work was not in vain.

Our leaders said from the beginning, after September 11—that fateful day—that we would get Osama bin Laden. Through the efforts of thousands, we did. We have the most professional, the best trained, the best equipped military and intelligence agencies in the world.

While there are sighs of relief now from the public, our work is clearly not done. Al-Qaida is still plotting against our freedom. Other groups are just as zealously dedicated to the mission of destroying our way of life. So while taking down the head of al-Qaida was a victory, it is also a stark reminder that we must remain vigilant.

As we speak right now, our intelligence experts are employing, analyzing, and disseminating the information gleaned from the bin Laden raid, and our special operators are preparing for their next mission, whatever it may be. I believe our country is united in the commitment to protecting what makes America great: our freedom and our way of life.

I look forward to a day when we will not have to walk through a body scan or put our shoes on an x-ray machine to get on an airplane. I look forward to a day when we will not have to fight against an enemy who is living among us, an enemy who is plotting against us in our own country, an enemy who is willing to kill itself in order to kill innocent people and destroy our way of life. I look forward to a day when we never see a casket at Dover, DE—one of our military elite coming home having made the ultimate sacrifice.

That day will only come if we as a nation remain willing to fight to protect the ideals of America—the foundation that was laid by our Founding Fathers and has been protected by every generation since that time. Today is a day we reflect on those principles. It is a day we renew our commitment to uphold them at all costs.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

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

THE ECONOMY

Mr. BINGAMAN. Mr. President, the country faces two large economic challenges. The first is growing our economy, creating jobs, getting the economy back on track. The second major challenge is cutting the deficit. I wish to briefly talk about both of those.

I have four charts—one that relates to jobs and growing the economy and three that deal more specifically with the deficit.

Unfortunately, in Washington, the debate has shifted almost entirely to a discussion of the deficit. Too many people in Washington are pretending our efforts to generate growth in the economy have been accomplished, that it is a done deal, that we have recovered from the recession, and we can now focus full time on how to cut the deficit.

The fact is, this is simply not true. Professor Alan Blinder, an economist at Princeton and former Deputy Chair of the Federal Reserve, testified before the Senate Finance Committee a couple weeks ago. He made the following statement:

> The economic recovery is mediocre at best and unemployment remains high. To me, those conditions describe a bad time to put the economy on a diet of either spending cuts or tax increases.

Let me point to the first chart to underscore the point professor Blinder made. The recession we have just gone through created a very deep hole. If you look at the number of private sector jobs that were lost between November of 2007 and the end of March of 2010, you can see—it is February of 2010—8.8 million jobs were lost as a result of the recession. While things are getting better, it is clear they have not gotten better enough. We have now created 1.8 million new jobs since we began adding private sector jobs. So we still have a shortfall of about 7 million jobs that need to be created in order to get back to where we were in November of 2007. Of course, there have been a lot of new people who came into the job market since then, so we need to create more jobs than that.

We are encountering some strong headwinds in our effort to dig out of the recession. The strongest headwind is the high price of oil and gas, which is a tax on consumers, a tax on our businesses, and it comes at a very bad time. We are all looking for ways to try to deal with that. Frankly, it is difficult to legislate a solution.

Another headwind is one of our own creation; that is, the constant drumbeat we hear to cut spending at all levels of government—cut it in Washington, cut it at the State level, cut it at the local level. My own strong view is we should heed Professor Blinder's advice. We need to continue to work to keep investing in those things that will help us create good-paying jobs. Timing is important. We clearly need to reduce the deficit, but we should adopt policies this year that will put us on a long-term path to reduce the deficit. I hope these policies will delay major cuts in spending and major increases in taxes, until we can come out of this recession some additional distance.

Let me talk about the deficits, the second challenge I talked about before. We have a chart called ''Federal Revenues and Outlays as a Percentage of Gross Domestic Product.'' This is for a 40-year period, from 1970 to 2010. It is a chart the Congressional Budget Office prepared and presented to us.

Clearly, there are some important points you can take away from this chart. No. 1, on average, over the last 40 years, the Federal Government has accounted for 20.7 percent of gross domestic product—spending by the Federal Government—on average. Over that same period, on average, we have raised 18.1 percent of GDP in the form of revenues. So, on average, we have been running a deficit of about 3 percent of GDP each year during this 40-year period. Today, that 3 percent of GDP is about $450 billion.

The one time during this 40 years when we achieved a balanced budget—and even ran a surplus for a 4-year period—was at the end of the 1990s and in the year 2000. How did we manage to do that? Well, beginning in 1990, the Congress passed, and President George H.W. Bush signed, a bill that both restrained spending and raised taxes. Again, in 1993 and again in 1997, Congress passed and, in that case, President Clinton signed, budget plans that

did even more to do what had been done in 1990; that is, both of those plans restrained spending and raised revenues.

We enjoyed a strong economy during those years in question and that, of course, helped to bring more revenue into the government and get us to a balanced budget and a surplus.

What went wrong that caused us to, once again, fall into deficit? I will cite three factors:

First, the tax cuts Congress enacted in the last decade. Beginning in 2001 and then again in 2003, Congress passed what have come to be known as the Bush tax cuts. These fairly drastically reduced the revenue coming to the Federal Government. At the same time we were cutting taxes, we ramped up Federal spending, primarily for defense, and that is a result of the Afghanistan war and the Iraq war. The estimate there is that something like $1.3 trillion has gone into those efforts. In addition to defense, we ramped up spending on health care primarily by including a prescription drug benefit in Medicare. All of that increased spending occurred without any increase in revenues to pay for it. I repeat that none of this spending was offset with increased revenues.

The third factor, of course, that has brought us into the very serious deficit we now face is the slowdown of economic activity. This contributed substantially to increased expenses for the government and some of the entitlement programs—Medicaid, food stamps, and a variety of them—but also the decreased revenues. When people are earning less money, they pay less in taxes and less revenue comes to the government to pay for those services that the government is providing.

The deficit, of course, has worsened substantially in the last 2 years because of, first, reduced Federal taxes being collected, largely a result of the recession; second, increased Federal spending—both because there is more demand for government services as a result of the recession and also because we passed the Recovery Act to stimulate the economy. I think most economists would conclude it has helped stimulate the economy.

The Pew fiscal analysis initiative analyzed the policies and legislation that have caused the surpluses of the late 1990s to become the deficits we see today. They produced a list showing their conclusions. That list is on this chart. We can see these are in the order of importance, the order in which they contributed to the current deficit situation.

The top two drivers on this list are the 2001 and 2003 tax cuts—they account for about 13 percent of what we face today in deficits—and the Iraq and Afghanistan wars, which account for about 10 percent of what we face.

All told, tax cuts caused 21 percent of deficits since 2001; increased defense spending caused 15 percent of deficits. Two-thirds of that was due to Iraq and Afghanistan. Increased nondefense spending caused 10 percent of the deficits we currently face; the Recovery Act caused 6 percent; Medicare prescription drug caused 2 percent.

The final chart I have shows how these policies have affected the deficit over time. This is a chart which is labeled ''Why CBO's debt projections changed between 2001 and 2011,'' the specific policies and drivers. I know this is very difficult for anyone to see on a television. Let me make the main points.

The main points are that the changes caused by the legislation make up the large segments at the top of the chart, including interest charges. They caused 65 percent of the deficits when we look at these policy changes. The remaining 35 percent of deficits are due mainly to the economic and technical adjustments to CBO's projections primarily to reflect the lower revenue we have enjoyed because of the recessions.

How do we dig out of the hole we are in? I say simple obvious things. No. 1, we need to keep the focus on growing the economy. As Professor Blinder said, do not put the economy on a diet. This is not the right time to do that.

Second, we need to agree, as we did in 1990 and 1993 and 1997, to a balanced package of spending cuts and tax increases that will, once again, put us on a path to a balanced budget. We have some serious proposals to work from in achieving this deficit reduction plan. Of course, the President's deficit reduction commission, the Simpson-Bowles commission, and Senator Domenici and Alice Rivlin, the former head of the Congressional Budget Office, put out a bipartisan commission report which is very constructive. The President himself has given the framework for a plan. There is a bipartisan group of Senators, the Gang of 6, who are working to come up with a proposal. And, of course, Senator CONRAD, who chairs the Budget Committee, is putting together a proposed budget plan for that committee's consideration.

All of these plans I have mentioned follow the model used in the 1990s of combining both spending cuts and revenue increases. The only proposal that does not follow this model of a balanced package of spending cuts and tax increases is the budget that was passed by the House Republicans 2 weeks ago. Rather than raising revenue while cutting spending, it would cut revenue while cutting spending. In my view, this cannot lead us to a lower deficit.

There is a lot of political polarization in Washington. I remain hopeful that we can get a critical mass of right-thinking people to do what is responsible, to come together on a balanced package of spending cuts and revenue increases that we can commit to going forward. We should be able to agree on policies that grow the economy and shrink the long-term deficit.

I pledge my best efforts to achieve these objectives. I urge my colleagues to work to do so as well.

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

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. FRANKEN. Madam President, I ask unanimous consent to speak as in morning business.

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

NET NEUTRALITY

Mr. FRANKEN. Madam President, I rise today to talk about the effort of the House last month to repeal the Federal Communications Commission's net neutrality rules. Net neutrality is the very simple idea that all content and applications on the Internet should be treated the same regardless of who owns the content or the Web site. This is not a radical concept, in large part because it is what we see and experience every time we use the Internet. But the House wants to change all of that and effectively turn control of the Internet over to a handful of very powerful corporations.

I want to take a few moments today to tell you why I think the House's vote was a mistake, and why I am going to do everything in my power to make sure we don't make the same mistake in the Senate. But before I get into those details, I think it is important to take a step back and talk about the Internet we have today.

Let's be clear. The Internet we have exists because it is free and open, because we have always had net neutrality throughout the entire existence of the Internet. I have to give credit to my opponents on this issue who have done a masterful job of manipulating the American public into believing that net neutrality is something that it is not.

Net neutrality is not about a government takeover of the Internet. It is simply the idea that all content, whether it is a Web page, an e-mail, or a movie we are downloading can load onto our computers at home at the same speed, regardless of who owns or controls that content.

This is not a radical idea. It is what we experience today when we use the Internet. Right now, if we buy Rihanna's latest song from iTunes, it downloads as quickly as a song from a friend who started a band in his or her garage.

If you send an e-mail to your mother, it arrives in her inbox just as quickly as the e-mail she gets from President Obama. If you start a Web site for your small business, your customers are able to access your Web site and place orders for your products just as quickly as if they were buying from a multinational corporation.

I like to talk about YouTube's early days as a startup because it is such a

powerful example of why net neutrality is so critical and how this simple concept helped create a billion-dollar company practically overnight. YouTube's early headquarters were situated in a tiny space above a pizzeria and Japanese restaurant in San Francisco, CA. But just 6 months after the site was activated, over 100 million people were using YouTube to watch videos every day. Less than 2 years after it started, YouTube sold their business to Google for $1.6 billion. Isn't that incredible?

Well, I am here to tell you it would not have been possible without net neutrality. At that time, Google had a competing product, Google Video, which was the standard at the time but was widely seen as inferior. If Google had been able to pay Comcast or Verizon or any of the others large amounts of money to make its Web site faster than YouTube's, YouTube would still be floundering over that pizzeria or most likely it would have ceased to exist at all. Fortunately, Google couldn't pay for priority access, and the rest is history.

What I am saying is, we take, and have taken, this equality that YouTube enjoyed—this basic fairness or neutrality—for granted in large part because that is how the Internet has always been. Unfortunately, many Members of the House have twisted this concept and are misleading the American public into believing that the government wants to take over the Internet. That is simply not true.

One Member of the House actually got up on the House floor and said this:

> Over the last 10 years, over $500 billion—billion with a ''b''—of private investment has been made to develop broadband throughout the country. This is without any kind of taxpayer money.

He is wrong on that point, but let's put that aside for now. He went on to say:

> This is private sector money being put into the marketplace to go and create jobs, to go and create the kinds of technologies that allow you to view and use all kinds of apps that are available on these kinds of devices. That was done without net neutrality. They would tell you that they need net neutrality in order to have this innovation. Of course, they fail to point out that net neutrality was not in place when all this innovation happened.

Yes, it was; it was in place. That is the whole point. All of this innovation occurred while net neutrality was in place. We are not trying to change anything. We are keeping the Internet the way it has been during this explosion in innovation.

Now, my fervent hope is that this Member of Congress was just horribly, egregiously misinformed because not only is his statement untrue, it is the opposite of true. It is 180 degrees opposite of the truth.

Please, everyone understand this, I beg you. Net neutrality has been in place since the beginning of the Internet.

From the very beginning, during all of that explosive growth, the Internet operated with an understanding that network providers must treat all content the same and must interconnect the pipes they have to customers' homes with the pipes that are owned by other operators. This was a fundamental design principle that was established by academics, engineers, and computer scientists who designed the earliest protocols for Internet traffic.

The fact is, the Internet started and grew because everyone realized they needed to cooperate and work together for customers to be able to have access to the content they wanted. They realized that is what consumers needed to create demand for Internet service, and they realized that is what would lead to the most innovation on the Internet.

The FCC isn't trying to change that. It has no interest in derailing free enterprise. Quite the contrary. The FCC is interested in protecting the innovators and entrepreneurs who have made the Internet what it is today. Because of the Internet, you no longer need a major studio to like your film or a television show you produce in order to have people see it. You no longer need a major record deal to start distributing your music. You no longer need a high school diploma or a fancy degree to launch a small business and sell your products online. We don't want to change that. We want to preserve that.

The FCC's only goal is to make sure the Internet we know and love does not become corrupted and altered by a small number of large corporations controlling the last free and open distribution channel we have in this country.

As telecom companies have grown larger and fewer and started owning not just the pipes but also the content, their incentives have changed. They are starting to care more about giving their own content a competitive advantage rather than promoting innovation and competition on the Internet.

The fight for net neutrality isn't about changing the Internet, it is about creating a few rules of the road to keep it open and free, to keep it the same, and to continue the innovation and growth that is such a creator of jobs and wealth.

The fight for net neutrality is about making sure large corporations are not allowed to put tollbooths on the information superhighway. This fight is about making sure that the Internet stays the way it is—free, open, equal, available to everyone regardless of how much they can pay to get their content.

There was a time not so long ago when net neutrality was a bipartisan issue that was not incredibly controversial. Three years ago, Mike Huckabee was talking about the need to keep the Internet a level playing field. In 2006, 11 House Republicans voted in favor of net neutrality on the floor. Rarely do you have the Gun Owners of America and the Christian Coalition joining with moveon.org and the ACLU to advocate for the same policy of nondiscrimination on the Internet. But they all agree on net neutrality. And so do the Catholic bishops.

Later today, I will receive 87,000 letters opposing the House's effort to undo the FCC's open Internet rules. These letters came from Americans across the United States, including 2,000 letters from Minnesotans who are worried about this issue. They want the Internet to stay the way it is—open and free from corporate control.

I am confident as more Americans realize what is at stake, we will hear from more and more constituents who will ask us to protect them from corporate takeover of the Internet.

What is most striking about this issue, which seems to have gotten lost in the rhetoric that my opponents use, is that experts from Bank of America, Merrill Lynch, Goldman Sachs, Citibank, Wells Fargo, and Raymond James have all stated they do not believe the FCC's current rules will hurt investment. Citibank has called the rule ''balanced'' and Goldman Sachs said it is ''a framework with a lot of wiggle room'' that is a ''light touch'' by the FCC. Despite this broad and diverse coalition of businesses and interest groups, we are still arguing about something that should have been settled long ago.

Why is that? A lot has changed in the last couple of years. Control of the Internet has been placed in the hands of a small number of players. Media consolidation has raised the stakes for certain mega conglomerates which have a lot more to gain in a world without net neutrality. I was last year on the Senate floor talking about net neutrality back in December when the NBC-Comcast merger had not yet been approved by the FCC or the Department of Justice. At the time, I warned this would be the first in a cascade of media consolidation deals. Wouldn't you know it, 2 months later, AT&T announced another record-breaking $39 billion deal with T-Mobile.

That merger, which Wall Street applauded, is almost assuredly going to be a raw deal for consumers. If approved, we will have a duopoly in wireless telecommunications in this country. Eighty percent of the wireless space will be controlled by two companies—AT&T and Verizon.

I look forward to the hearing next week in the Antitrust Subcommittee of the Judiciary Committee so we can further explore the details of this deal. But I think it is fair to say I am very skeptical because it is likely to raise prices and it certainly will reduce choice for consumers. I have always been skeptical of media consolidation because at the end of the day, when corporations have tremendous amounts of power to control prices and cripple competitors to benefit their bottom line, everyone loses.

But the impact of media consolidation in telecommunications is about more than just consumer prices. We

have always known that large corporations have the power to influence elections. Last year, the Supreme Court's decision in Citizens United took a situation that was already terrible and made it worse—much worse. Now AT&T, Verizon, Time Warner, and Comcast can spend unlimited amounts of money to support the candidate or campaign they care most about or try to weaken or kill net neutrality. It does not take a rocket scientist to realize that when a single corporation—in this case AT&T—spends $15.3 million in a single year to influence Congress and has 93 full-time lobbyists on its roster, Congress might churn out legislation that AT&T likes.

How can American consumers, stuck with rising cable, Internet, and cell phone bills, ever be expected to counter that type of lobbying power?

With media consolidation, we have seen a shift in the net neutrality talking points of Members of Congress who are also receiving large checks from Verizon, AT&T, and Comcast. Yet the irony here is that the open Internet rules passed by the FCC earlier this year are actually pretty weak and riddled with loopholes. Actually, I think that is the ''wiggle room'' to which Goldman Sachs was referring.

These rules are, let's be honest, a mediocre compromise drafted to appease a handful of powerful Internet service providers.

I was not happy with these rules and thought the FCC should have done more, particularly to cover wireless Internet networks. But it did not. It did not in part because the Commission wanted companies such as AT&T to get on board with its plan, and AT&T did—more or less. AT&T did not think the rules were ideal, but it acknowledged the framework is a compromise that gives its investors certainty.

That has not changed how the House is framing its rhetoric about this rule, which is one of the reasons I think the vote last month was a political stunt designed to misinform Americans and appease a small number of very vocal critics. This is not what most Americans, entrepreneurs, or small businesses want. They and I want a world where the future Twitters, eBays, and Amazons of the world can grow and thrive without interference from big, mega conglomerates.

Finally, regardless of how one feels about the FCC's rules, I think we can all agree this issue requires thoughtful debate and discussion, not the kind of uninformed rhetoric I quoted earlier from the House debate. By forcing an up-or-down vote through the Congressional Review Act, the House leadership short circuited the normal legislative process and ignored the FCC's work on this issue.

The FCC spent months examining this topic and meeting with tons of stakeholders and Internet companies. It carefully considered and compromised on a range of issues that I, frankly, wish they had not budged on. To claim that the FCC engaged in a power grab is unfair and far from the truth.

The White House has said the President will veto this resolution, but I will be working hard in the coming months to make sure that we have enough votes to stop this before it reaches the President's desk.

We are at a pivotal moment. If we do not act to preserve the FCC's open Internet rules, the Internet as we know it today may cease to exist. I hope my colleagues will recognize this and will join with me in voting down the House's resolution of disapproval.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. HARKIN. Madam President, everyone in this body agrees that we must take aggressive action to reduce the deficit, but we have to do it right. Frankly, the best way to bring down the deficit is to help 15 million unemployed Americans get good middle-class jobs again. Those hard-working Americans would be delighted to be on the tax rolls and to be taxpayers once again. But, regrettably, the tea party budget passed by the House Republicans last month takes us in the opposite direction—it would weaken our economy and destroy jobs.

I have spoken previously on the Senate floor about the grave flaws in the Republican budget. But beyond the misguided priorities in that budget, I object to its premise. The premise of the tea party Republican budget coming over from the House is that America is poor and broke and we can no longer afford the investments that make possible a strong middle-class and world-class economy. Indeed, some House Republicans take the radical view that government has no business investing in the middle class, period. I emphatically reject the defeatist premise of this Republican budget. The United States of America is a wealthy Nation—the wealthiest Nation in world history. The problem is how that wealth has been shared or not shared among the American people, with income inequality that is the highest among developed countries. Let me repeat that. Right now, income inequality in America is the highest among developed countries. So the problem is how our wealth has been invested or misinvested, with trillions of dollars squandered by money manipulators on Wall Street or funneled to those at the top through tax cuts.

Unfortunately, the tea party budget, authored by Congressman RYAN, would make these problems far worse. It lavishes yet more tax cuts on corporations and the wealthy even as it slashes investments that undergird the middle class in this country—everything from education funding to Medicare and Medicaid. Let me state the obvious: If working people in the middle class are going to take a hit in tough times, it shouldn't be to take a hit to pay for tax breaks for millionaires and billionaires.

Let's look at some of the particulars in this so-called deficit reduction plan of the House Republicans. For starters, never before have I heard of a deficit reduction plan that begins by demanding trillions of dollars in new tax cuts, largely for corporations and the wealthy. In addition to allowing the very wealthy to keep all of the benefits of the Bush-era tax cuts and to keep them permanently, the Republican budget would cut the top tax rate from 35 percent down to 25 percent. Let's again state the obvious: This doesn't reduce the deficit; it digs the deficit hole much deeper.

Next, the Republican budget dismantles Medicare and Medicaid and lays the groundwork for deep cuts to Social Security—changes that will devastate the economic security of the middle class in this country.

The Republican budget says we cannot cut one additional dime from the Pentagon budget because I guess to them there is no waste in the Pentagon, there are no unnecessary weapon systems, no troops based in Japan or Europe or elsewhere who could be brought home. Meanwhile, this tea party Republican budget slashes Federal investments in everything from education to infrastructure to law enforcement back to the levels of the 1920s. Again, let me repeat that. It slashes Federal investments in everything from education to infrastructure to law enforcement back to the levels of the 1920s.

It also repeals Wall Street reform that we passed here, as well as the consumer protections in the affordable care act, including the ban on denying coverage for preexisting conditions. What has that got to do with the deficit?

Their budget cuts funding for food safety, workplace safety, environmental protection, and guts the commonsense regulation of corporate America. It tells Wall Street bankers and speculators, health insurance companies, credit card companies, and mortgage lenders: You are free to go back to the reckless abusive practices of the past. We will just trust you to do what is right for the American people.

To appreciate just how extreme and ideological this budget is, look more closely at the blueprint for replacing Medicare with a voucher system. The nonpartisan Congressional Budget Office estimates that by 2030, future seniors would have to pay two-thirds of the cost of their private health insurance. Their out-of-pocket costs would average in excess of $12,000 per person, per year—more than double the current

cost to seniors. Yet this would pay for private plans that would provide only half of current Medicare coverage. How many seniors can afford to pay $12,000 annually out of pocket for health insurance that only gives them half the coverage they have right now for Medicare? And good luck finding affordable coverage if you are a 70-year-old with a preexisting condition, such as heart disease. Good luck fighting endless battles with your private health insurance company over that one.

Madam President, does this tea party Republican budget reflect our values and priorities as Americans? Is this the kind of country we want to live in, the kind of country we want to pass on to our children? Of course not. Americans don't want or expect a handout, but they rightfully expect a government that lends a helping hand, not one that stands in their way and not one that destroys the essence of the middle class. The American people want a government that helps them to achieve retirement security, a government that makes sure that when we put money away for retirement, it is going to be there when we retire. The American people want to maintain strong investments in education and infrastructure.

To reduce deficits, the American people want shared sacrifice, including an increase in revenues from those who can most afford it. They want an end to taxpayer subsidies to oil and gas companies, and they want to cut Pentagon spending. Yet the Republican budget does exactly the opposite in every single respect.

Make no mistake, this tea party Republican budget puts us on a course of disinvestment, drift, and decline. This budget wreaks of pessimism and gloom and doom. As I said, its defeatist premise is that the United States is poor and broke and we can no longer afford a strong and secure middle class, we can no longer afford to prepare our young or care for our elderly. Yet, bizarrely, the Republicans insist that we can afford—we can absolutely afford—another enormous tax cut for millionaires and billionaires.

I totally reject their premise. I reject this defeatist Ryan budget—the premise that America is poor and broke.

Here is the truth: The United States is recovering from the largest economic downturn since the Great Depression and from the damage caused by very unwise budget decisions made over the last decade, and we are growing wealthier by the day. Our entrepreneurial economy, our technology, our universities and the arts are the envy of the world. Americans are still the best educated and most productive people on Earth.

Most importantly, Americans continue to be an optimistic, can-do people. We have faced national trauma, including depressions and wars and national disasters, many times before, and we have always rebounded stronger and better than ever. We can overcome our current challenges without sacrificing our great middle class and without abandoning our seniors or people with disabilities and the less fortunate among us.

There is one important point of agreement on both sides of the aisle here in the Senate: We agree the current budget deficits are unacceptable. We must bring these deficits under control.

However, deficits are by no means our only urgent economic challenge. An even greater challenge—a greater challenge—is our fragile economy and the jobs crisis. Addressing this successfully will help reduce the deficit. Now, the unofficial unemployment rate is 8.8 percent, but the real unemployment rate, including people who are underemployed or who have dropped out of the job market in frustration and are no longer working, is a staggering 16 percent.

Meanwhile, our middle class is under siege. Our middle class is being dismantled as fast as big corporations can shift our manufacturing jobs overseas. People are losing their savings, their health care, their pensions, and in many cases losing even their homes. With good reason, the American people feel they are losing the American dream for themselves and for their children.

That is why we cannot look at the deficit reduction challenge in isolation. We cannot just take a slash-and-burn approach to the budget. Smart countries do not just turn a chainsaw on themselves. Instead of this tea party Republican budget, which is being sold through fear and fatalism, we need a budget that reflects the hopes and aspirations of the American people. We need a budget that brings deficits under control in a way that allows us to continue investments that boost competitiveness, create jobs, and strengthen the middle class.

I would add this: We need a deficit reduction plan that actually attacks the sources of our current deficits. What are those sources? Well, a remarkable article from the front page of Sunday's—May 1—Washington Post by Lori Montgomery documented clearly how the huge budget surpluses of the Clinton years were turned into the $1 trillion budget deficit President George W. Bush passed on to President Obama. The article states:

> Voices of caution were swept aside. Political leaders chose to cut taxes, jack up spending, and, for the first time in U.S. history, wage two wars solely with borrowed funds.

The article cites a new analysis by the nonpartisan Congressional Budget Office which determined that ''routine increases in defense and domestic spending account for only about 15 percent of the financial deterioration. The biggest culprit, by far, has been an erosion of tax revenue, triggered largely by two recessions and multiple rounds of tax cuts.''

The article also notes that Federal tax collections now stand at their lowest level as a percentage of the economy in 60 years.

Let me repeat that—their lowest level in 60 years.

Of legislation passed since 2001, when George W. Bush became President, about half of the negative impact on deficits came from reductions in revenue and nearly a quarter came from increases in defense spending. One-half came from reductions in revenue.

I am talking now about what are the sources. What are the sources of the deficit hole we are in? In 2001, we had huge surpluses. CBO said if we maintained the same budget policies that by 2010 we would have paid off the entire national debt. 10 years later, in 2011, we have a $1.4 trillion deficit. What happened? What decisions were made in those 10 years that put us in that hole?

As I said, the article by Lori Montgomery in the Washington Post clearly points out, and the CBO clearly points out, that half of the hole we are in came from reductions in revenue, one-quarter came from increases in defense spending, and one-quarter from everything else.

As the CBO analysis makes clear, we do not just have a spending problem, we have a revenue problem. The main source of our current deficit problem is not the modest increase in domestic spending beyond the one-time spending in the Recovery Act—which is rapidly coming to an end. The principal source of our deficits is the deep tax cuts and the surging Pentagon budget, 75 percent of our current problems.

Yet now the tea party Republican budget calls for trillions of dollars and yet more new tax cuts, largely for those at the top. It refuses to cut Pentagon spending in any significant way. It places almost the entire burden of deficit reduction on programs that support the middle class, seniors, people with disabilities, and those of low income.

Americans are rightly asking some commonsense questions. If a principal source of our deficit problem has been deep tax cuts largely benefitting those at the top, shouldn't a big part of our deficit reduction plan include allowing those unaffordable tax cuts to expire? If ongoing domestic spending increases are only a minor source of our deficit problem, why does this Republican budget take a slash-and-burn approach to these programs which are so important to the middle class and to working Americans? The answer, of course, is the tea party Republican budget is not principally a deficit reduction plan. It is an ideological manifesto that encompasses the entire party wish list, everything from more tax breaks for the rich to dismantling Medicare and Medicaid.

I have a simple test for judging any budget plan. What does that plan do to give hope and opportunity to middle-class Americans who have been hardest hit by the economic downturn?

To speak in terms specific to my State of Iowa, what did it do for Webster City? Webster City is a community

like thousands of others across the United States. It is a town where middle-class families work hard, play by the rules, sacrifice for their children. But it is also a town where a decent middle class way of life is threatened. Recently, in Webster City, IA, the Electrolux plant that has been the town's economic engine for over 80 years closed its doors. Production was moved to Juarez, Mexico. In the final round of layoffs in March, 500 Iowans lost their well-paying, middle-class jobs.

This most recent factory closing comes on the heels of 222 plant closings just in Iowa last year, destroying nearly 12,000 well-paying, middle-class jobs. As we all know, each of these plant closures reverberated on Main Street, with many local stores and restaurants falling on hard times or going out of business themselves. Let's be clear, the wrong kind of budget plan, one that indiscriminately slashes funding for education and job training, infrastructure and research, will deepen the plight of Webster City and similar communities across America. Indeed, by accelerating the erosion of the middle class in this country, such a plan will make our fiscal situation even worse. There can be no sustainable economic recovery in the United States without the recovery of the middle class. There can be no sustainable solution to our budget challenges without a strong middle class, a middle class that is getting its fair share of rising national income.

As I said earlier, we are growing wealthier by the day in America. We are the wealthiest country in world history, and we are growing wealthier by the day. But what we ought to make sure is that the middle class will get its fair share of that rising national income.

Again, I think the test of a budget plan is this: Will it strengthen the middle class in America? Will it require shared sacrifice with a promise of shared prosperity in the long run? I have applied this test to the tea party Republican budget and it comes up woefully short.

This tea party Republican budget cuts the top tax rate for millionaires and billionaires from 35 percent down to 25 percent. How will that help laid-off workers in Webster City?

The Republican budget dismantling Medicare and replacing it with an absurdly inadequate voucher system, will that strengthen the retirement security of seniors in Webster City?

This budget of the Republican tea party people guts Medicaid. Will that improve the lives of seniors and people with disabilities who depend on Medicaid to pay for nursing home care and home health care assistance?

The tea party Republican budget slashes funding for Pell grants. Will that improve the prospect for kids in Webster City who plan to go to college but whose parents are now unemployed and without resources?

The tea party Republican budget makes Draconian cuts to everything from food safety and law enforcement to environmental protection. How will that improve the quality of life in Webster City and communities across America? We know the answer to these questions. The bottom line is, the Republican's budget offers more pain and no gain to the people of Webster City. Instead of increasing opportunity, it sends a message of surrender and defeat. Indeed, let's speak the plain truth. With this tea party budget, Republicans have taken their class warfare to a new level. They have launched an unprecedented assault on middle-class and working Americans. Their message to struggling folks in Webster City and communities like it across America is brutally clear: Tough luck. I have mine. You are on your own.

This Republican tea party budget would drive down our standard of living, shred the economic safety net, reduce access to health care and higher education, and do damage to our public schools' ability to prepare our kids for the jobs of the future. We can and must do better.

I have come to the floor to propose an alternative approach to the Federal budget, a planned approach that will discipline the Federal budget and bring deficits under control while continuing to make critical investments in a stronger America. Best of all, we know this approach can work because it is consciously modeled on the successful budget policies of the 1990s.

Under President Clinton's leadership, Congress passed a bold economic plan that combined tough-minded spending cuts with smart investments and, yes, revenue increases. This created large budget surpluses and put us on a track to completely eliminate the national debt within a decade. It created a brief era of shared prosperity for the middle class, with 22 million new jobs and 116 consecutive months of economic expansion, the longest in American history.

I say to the people across America, we can do this again. The key to renewing America and restoring our economy is to revitalize the middle class. This means reducing deficits while continuing to invest in education, innovation, and infrastructure, boosting American competitiveness. It means restoring a level playing field with fair taxation, an empowered workforce, and a strong ladder of opportunity to give every American access to the middle class.

We have the resources, both financial and human, to do these things. I repeat what I said earlier, the central falsehood in the tea party Republican budget is its assumption that America is poor and broke; its assumption that we can no longer afford to invest in a prosperous and secure middle class. Again, I say emphatically, we are not poor and we are not broke. We have the highest per capita income of any major country. As I said earlier, the problem is how our wealth is distributed, how it is managed, and how it has been invested—or should I say ''misinvested.''

Income inequality in the United States has reached levels not seen since immediately before the Great Depression. Middle-class Americans are working harder than ever, but they are falling behind. Real average incomes have not gone up since 1979, more than three decades ago. Let me repeat that: Average real incomes haven't gone up since 1979, more than three decades ago. In fact, over the last decade, the average income of working Americans has actually declined while those in the top 10 percent of income earners and wealthy in America, their incomes and their wealth has soared to new levels. Vast wealth because of tax breaks and other government preferences have flowed to millionaires and money manipulators who pay a tax rate that is lower than that paid by their chauffeurs and secretaries.

In 2007, the top 25 hedge fund managers took home an average income of $892 million—yes, you heard that right, $892 million each, average income for 1 year. Over the last decade, the average income of the top 1 percent in America increased by an average of more than one-quarter of a million dollars a year. Again, let me repeat: The top 1 percent of income earners in America, their income increased by an average of more than one-quarter of a million dollars a year for 10 years. I ask, who in their right mind believes these people need another giant tax cut?

People do not hate the rich. To the contrary, most Americans aspire to do well and to achieve financial independence. That is a big part of the American dream. But Americans do resent it when the wealthy and powerful manipulate the political system to reap huge advantages at the expense of working people and the middle class. Ordinary people think the game is rigged and unfair, and you know what? They are right. Yet this tea party Republican budget says to middle-class Americans again: Hey, tough luck. I have mine. You are on your own. Your retirement security is expendable. Your access to health care and college is expendable. Your desire for quality public schools is expendable. Your quest for a modernized transportation system is expendable. All these things, according to the Republican budget, are expendable in order to create a Tax Code even more favorable to the rich and the powerful and the privileged.

This is deeply wrong. The middle class is the backbone of this country, and it is time our leaders showed the backbone to defend it. We need an alternative, a budget that invests in education and opportunity for all Americans, a budget that invests in the retirement security of the middle class and, yes, a budget that does not abandon the less fortunate among us, including seniors and people with disabilities.

As we saw in the 1990s, we can do these things at the same time we are bringing deficits under control. This will require smart, prudent reductions

in spending, and it will require reform of the Tax Code to make it fairer and more equitable, a Tax Code that asks more from those at the top whose incomes have skyrocketed in recent decades.

Let me speak first about spending cuts. I hope I have set an example with my own appropriations subcommittee, the Subcommittee on Labor, Health and Human Services, Education, and Related Agencies of the Appropriations Committee. The fiscal year 2011 spending bill that was enacted last month cuts spending in these areas by almost $6 billion and eliminates dozens of individual programs. I also serve on the Appropriations Subcommittee on Defense. Of course, I believe we can make major spending cuts without harming our national security. I agree with Secretary Gates, who has urged us to terminate the additional C–17 cargo planes and a new amphibious fighting vehicle. I would also save $12 billion by terminating the V–22 Osprey, which even Dick Cheney labeled a turkey and tried to cancel it.

I would also save $80 billion over the next decade by reducing the number of Active-Duty military personnel stationed in Europe and Japan.

Most importantly, it is time to save hundreds of billions of dollars by speeding up the return of our troops from Iraq and Afghanistan. It costs an estimated $1 million a year to deploy and support each soldier deployed in those wars. That is an extravagance we can do without.

We can also make cuts close to home. I represent a farm State, and I have a strong record of supporting a true farm income safety net. However, in this time of strong commodity prices, record levels of net farm income, the USDA—the Department of Agriculture—is still paying out nearly $5 billion a year in direct payments to farmers, having no relationship to farm income or commodity prices or to what they are even planting. No question, we can save some money here while still making sure farmers have a good solid income safety net protection system.

We also must find additional deficit reduction in the area of health care. Once again, the tea party Republican budget flunks the test. It does not reduce spending on health care, it just shifts costs. It shifts the costs to seniors and others by making them pay most of the bills themselves.

By contrast, the new health reform law actually cuts health care costs. Again, according to CBO, it reduces the deficit by hundreds of billions in the first decade and by more than $1 trillion—the health reform bill cuts the deficit by more than $1 trillion in the second decade, while preserving and strengthening Medicare, not dumping it on the backs of seniors. It does so by rewarding health care providers for the quality of care, not the quantity. It does so by placing a sharp new emphasis on wellness and prevention, keeping people out of the hospital in the first place. It does so by creating an independent commission of doctors, nurses, medical experts, and consumers, to examine patient data and recommend the best ways to reduce wasteful spending and ineffective procedures, while preserving the quality of care.

We can and must build on the health care savings in the Affordable Care Act. But my friends on the other side of the aisle want to repeal the Health Reform Act. But they do not say where they are going to get the money to make up the $1 trillion hole it will blow in the budget in the next decade.

The enormously successful deficit reduction campaign of the 1990s insisted on a balanced approach: spending cuts and revenue increases. Revenue increases were concentrated on the most affluent Americans, those who could most easily afford it, and who benefited the most from the strong economy and the stock market that followed. This must be our template as we raise necessary revenues to reduce future deficits.

By all means, we must allow the Bush era tax breaks for the wealthiest 10 percent of Americans to expire immediately. To put it bluntly, they do not need it, and we cannot afford it. The fact is, high-income Americans did extremely well in the 1990s under the higher rates of the Clinton years, and they will continue to do very well in the future, while contributing their fair share to bringing deficits under control.

I also strongly agree with President Obama's proposal to limit itemized deductions for the wealthiest 2 percent of Americans, a reform that would reduce the deficit by $320 billion over 10 years. We need to end the outrageous gimmicks in our Tax Code. Just one example. The ''carried interest'' loophole allows many hedge fund managers to pay taxes at just a 15-percent rate on part of their bonuses, a far lower rate than middle-class Americans pay.

As I said earlier, in one recent year, the top 25 hedge fund mangers took home an average income of $892 million a year each. Let's tax this income the same way we tax the income of teachers and truckdrivers.

In addition, I strongly favor a modest speculation tax on certain types of financial transactions, a .25-percent tax—that is one-quarter of 1 percent tax—on each stock transaction, and a similar tax on options, futures, and swap transactions.

In order to minimize the impact on ordinary American investors, this would exclude transactions in tax-benefited pension accounts such as 401(k)s and IRAs and defined benefit plans.

Some might say, well, this sounds kind of a pie in the sky. Well, Great Britain currently levies a tax on stock transactions that is twice as high as what I am proposing—twice as high as what I am proposing. There is no question that Wall Street can easily bear this modest tax.

John Bogle, the legendary founder of the Vanguard Mutual Fund Group, has long advocated such a speculation tax, a transaction tax, in order to ''slow the rampant speculation that has created such havoc in our financial markets.''

We also should be working to eliminate the tax provisions which promote the shifting of jobs to other countries. The President's budget proposes the elimination of over $100 billion in international tax breaks in this area.

A prudent but aggressive mix of spending reductions and tax increases, combined with stronger economic growth and an end to the wars in Iraq and Afghanistan, will bring Federal deficits under control. This will restore the fiscal discipline that was squandered in the years after President Clinton left office.

Best of all, this restored fiscal foundation will allow us to continue making critical investments in transportation and infrastructure, education and energy, investments that will put Americans back to work, strengthen our global competitiveness, and prepare our workforce for the future.

Make no mistake, we have no time to waste. While the United States has been distracted and weakened by foolish wars and speculative bubbles, our competitors have been charging ahead. We have lost major ground to China and to other rapidly growing economies, including Brazil, South Korea. We are playing catchup and the stakes are enormous.

Across America, roads are crumbling, bridges are collapsing. Our formerly world-class interstate highway system is increasingly overwhelmed. Mass transit systems, including Washington's once proud Metro system, have fallen into disrepair. We have a backlog of nearly $300 billion in school construction and modernization.

In infrastructure, we currently invest less than one-third of what Western Europe does as a percentage of GDP. China has tripled its investment in education, and is building hundreds of new colleges and universities at a time when we are slashing school budgets and laying off teachers.

The tea party Republican budget makes this investment gap far worse. It proposes to cut funding for transportation by 25 percent, and for education by 25 percent, and in future years would cut those investments even more deeply. Congressman RYAN has the audacity to tell us this is ''a path to prosperity.'' Common sense tells us it is a bridge to nowhere.

These statistics are not abstractions. Investments in education, infrastructure, and innovation directly translate into more and better jobs, higher incomes, stronger economic growth. That is why we need to get America moving again.

For starters, we need a massive new commitment to infrastructure expansion and modernization, truly a Marshall plan for America. The first step is to adopt a solid 6-year surface transportation reauthorization bill that will allow us to modernize our transportation system.

We also need robust new investments in clean, renewable, domestically produced energy. This will lower our energy costs in the long term, and will reduce our dependence on some of the most unstable countries in the world.

Early in the 20th century, we provided the emerging oil energy with subsidies to accelerate its growth. Today, we must provide similar policies to accelerate America's transition to a clean energy economy, including long-term tax credits for a renewable energy generation, and for infrastructure investments for biofuels, as well as smart grid technologies to enable broader renewable energy use. The goal should be 25 percent of our energy from renewable resources by 2025.

In the field of education, we need major new investments. This begins with Federal support for universal preschool education to ensure that every child is ready to learn and succeed in school. It means an ambitious reauthorization of the elementary and secondary education bill that close the gap between world-class schools in affluent suburbs, and struggling schools in poor urban and rural communities. It means providing resources to ensure that the goal of graduating students who are college and career ready applies equally to students with disabilities.

In closing, in my remarks today I have offered not just an alternative approach to bringing deficits under control but an alternative vision of the role of the Federal Government. Going back to the 1930s, the American people have supported and strengthened an unwritten social contract. That social contract says we will prepare our young and care for our elderly. That social contract says if you work hard and play by the rules, you will be able to rise to the middle class or even beyond. That social contract says a cardinal role of government is to provide a ladder of opportunity, so every American can realistically aspire to the American dream.

In one fell swoop, this tea party Republican budget rips up that social contract. It replaces it with a winner-take-all philosophy, again, that tells struggling, aspiring people and communities across America: I have got mine. You are on your own.

As I said at the outset, the Republican budget is premised on the idea that America is poor and broke, that our best days are behind us, that we have no choice but to slash investment required in order to keep our middle class strong. I totally disagree.

America remains a tremendously wealthy and resourceful nation. We are an optimistic, forward-looking people. We are a purposeful and can-do people, and we expect our government to be on our side, the side of the middle class. We expect it to be an instrument of national greatness and purpose, allowing us to come together to achieve the big things we cannot achieve as individuals, things such as building an interstate highway system, mapping the human genome, one day discovering a cure for cancer.

Through our government, we come together to provide a ladder of opportunity to give every citizen a shot at the American dream, a ladder of opportunity that includes quality public schools and universities, Pell grants, the GI bill, job training. Through our government, we come together to ensure that our citizens have a secure retirement with guaranteed access to health care, and to ensure that the less fortunate among us are not abandoned to the shadows of life.

I am convinced that the great majority of Americans share this positive can-do vision. We refuse to be dragged backward into a winner-take-all society where the privileged and the powerful seize even a greater share of the wealth, as the middle class struggles and declines.

Americans are a tough and resilient and optimistic people. We can and will work together to meet the great challenges of our day. We can and will, indeed we must, restore the middle class as the backbone of a stronger, richer and fairer America.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN.) The Senator from Texas.

Mr. CORNYN. Earlier today we had a cloture vote on the nomination of Jack McConnell to be a United States District Judge for Rhode Island, and 63 Senators voted to cut off debate and to move then to a final vote on confirmation which will occur, I am told, around 5:30, shortly.

But first I wanted to come to the floor and expand a little bit on some of my earlier comments with regard to this nomination and why I am so strongly opposed to it just to make a few other comments.

Thirty-three years ago I became a lawyer, a member of the legal profession. While I have heard as many lawyer jokes as a person can stand in a lifetime, I am actually proud of the legal profession. What attracted me to it was study of the law, the rule of law, and the majesty of law being made by elected representatives of the American people speaking for the American people themselves; a profession that observes a rule of ethics, that is not just who can get the most the fastest but one that actually requires lawyers to practice according to a standard of ethics.

Third, the obligation and the responsibility that comes with representing a client; in other words, it is not the lawyer who is speaking on his or her own behalf but a lawyer who is speaking on behalf of a client, whether they have been arrested and charged with a crime, whether they have been injured in an accident and seeking compensation for some wrongdoing and to deter future acts, similar actions in the future, whether it is a commercial dispute over a contract or some other relationship. I believe it is the rule of law and our adherence to ethical standards and the fact that the legal profession serves the interests of clients who need help, many of whom don't have a voice themselves, or certainly the capability of representing themselves, who need somebody who can help them.

But I have to tell my colleagues that it is because of my respect and admiration for the legal profession that it makes me angry when I see people making a mockery out of the foundational principles I just mentioned: the rule of law, ethics, and the fiduciary duty owed to a client.

After I practiced law for a while, I had the great honor of being elected to and serving as a district judge in my home city of San Antonio. So not only did I represent clients as an advocate in court, I had the responsibility of presiding over trials and making sure people were treated impartially, the same, and according to the rule of law; that it was not a matter of who they were or how much money they had but that everybody could have access to our system of justice.

Later I was honored to be elected to serve on the Texas Supreme Court for 7 years where I was an appellate judge and I wrote legal opinions, basically grading the papers of some of those trial judges and making sure that indeed we had equal justice under the law. Then I served as attorney general for 4 years before I came here, during which time I became acquainted with a certain class of entrepreneurial lawyers whom I think threatened the very rule of law I have been talking about.

I previously talked about my objections to Jack McConnell's nomination and confirmation to serve as a Federal judge because I believe he intentionally misrepresented certain facts before the Senate Judiciary Committee. Mr. McConnell and his firm have been sued in Ohio for stealing and maintaining custody of certain stolen documents in a lead paint lawsuit which I will speak about in a moment. As a matter of fact, earlier today I introduced an article which demonstrates that legal dispute still is raging and is not yet resolved. Yet the Senate is moving ahead and will likely confirm someone to a life-tenured job as a Federal judge who may ultimately be found responsible. I don't know, he could be vindicated. But why are we taking the risk that this individual who will be given a lifetime job as a Federal judge might ultimately be found culpable in something that is certainly disqualifying if he is responsible for it?

But I wish to speak just a little bit more about—well, I wish to tell a story. I think it helps make the point I wish to convey.

Once upon a time there was an enterprising lawyer and some of his law partners who were trying to figure a new way to make a lot of money. One of them said:

''Well, I have a plan to do that. First, we have to pick a product or sector of

the economy that is unpopular, even though it is legal. For example, tobacco.''

''Exactly,'' one of the lawyers said. ''We pick a product like tobacco, and we sue the manufacturer and make a lot of money.''

''The problem is we have already tried to do that in individual lawsuits that are designed to compensate victims and deter wrongdoing, but we lost all of those lawsuits.''

''Well,'' the enterprising young lawyer who suggested this plan said, ''we did, but now we have a new legal theory. We have a new approach. And it is a legal theory that has never actually been embraced or accepted by the courts.''

One of the other lawyers said, ''Well, how does that work? What is the theory?''

To which the other responded, ''Well, the theory really doesn't matter because this case will never be tried, but it will be settled for billions of dollars.''

That takes us to the second part of the plan. The truth is, the client or the person who would be represented is not an individual victim who was harmed as a result of some wrongdoing by the manufacturer of the product, but instead of that it is the State—a State. How do you get hired to represent a State? Well, you have to get the attorney general—my former job. You have to get the attorney general, who is the chief law enforcement officer of the State, to basically hire you and then to delegate to you the sovereign law enforcement power of the State—in this case to sue the makers of a product. Part of this scheme is you sue not just for damages to one individual or a group of individuals, you sue for essentially everyone in the State, alleging billions of dollars in damages.

The key reason this is so important to this scheme, of course, is because this is a break-the-company lawsuit. By that I mean it is an existential threat to the existence of this company, far bigger than any legal threat they may have faced in the past, because the damages are enormous. Every potential juror who would sit in judgment of the case being a constituent, a resident of that State, would stand to benefit in some way or another by any judgment rendered against this company. Then, of course, there is the power of the State itself to launch, perhaps, a negative publicity campaign against this company or sector to erode the stock value of this company in order to compel them or force them into a settlement posture.

Well, part of this scheme is that even though the chances of winning in court are very slim, even a small risk of losing everything—wiping out shareholders, retirees, pension funds, and employees—even that small risk is enough to cause the defendant to consider coming to the settlement table. True, even if you have a chance—liability is very thin and you think you aren't responsible—you still have to navigate the maze of litigation through the trial and the appellate and the Supreme Court. You know you might just win if you can outlast their adversaries. But in the meantime, as I indicated earlier, the stock price takes a beating, management is consumed with defending the lawsuit rather than running the business, and millions of dollars are being spent on their own lawyers in order to defend this case.

Well, in this story the law partners of this enterprising young lawyer say: That sounds like a great plan. We could earn a lot of money.

The lawyer proposing this says: Well, we can earn more than you can possibly imagine because our compensation may well exceed $100,000 an hour.

Well, how do you do that? No one can charge $100,000 an hour as a legal fee.

Well, this is the best part from their perspective. They would not actually negotiate an hourly fee under the supervision of a judge that reflects prevailing ethical standards. Instead, they will negotiate a deal with this attorney general for the State on a contingency fee basis in a no-bid, noncompetitive contract. So then they would get a percentage of any amount of money recovered in this bet-the-company lawsuit. Since there are no costs up front for the taxpayer, the State attorney general would look like a hero, even if the lawsuit was unsuccessful. But if he succeeds, these lawyers would get a significant percentage of an astronomical sum of money. No funds would be appropriated by the legislature to finance the litigation, so the State official can make the ethically fallacious and ethically dubious claim that no tax dollars will be used to pay legal fees. The official enters into this no-bid contract for legal services with lawyers whose future political support, including campaign contributions, is assured. The official can expect to be lauded as a popular hero in the press by his willingness to take on an unpopular industry.

Now, as part of this scheme and story, to leverage the chances for success, these lawyers then cherry-pick the court where the lawsuit is filed, a court well known for being friendly to these sorts of claims. Seeing the handwriting on the wall, ultimately as part of this scheme, the plan would be that the defendants, even though they are not—the chances of proving them responsible are very thin, the risk of losing and losing the company are so huge that they decide to go to the settlement table.

Well, here is the deal. The plaintiff's lawyers say—under this scheme, and in some ways it turns out to be a lifeline to the defendants—first, the good news: The defendants will survive. They won't be at risk of losing the company—the employees, the stock price, the pensioners, the retirees who depend on the existence of the company.

Secondly, the business will continue to operate and—here is the best part—the judgment that will be entered will ultimately, from the standpoint of the company, bar any future lawsuits. The defendants agree rather than paying a lump sum settlement out of their current assets to pay hundreds of billions of dollars to these lawyers and the State out of future profits.

How do you make sure you don't have to dip into your current assets? Well, basically, the defendants agree under this arrangement to raise the price of their product for consumers. So, ultimately, the consumers pay, and the defendants will pay the attorney's fees out of this same income stream.

Now, these lawyers in this story believe this is really a stroke of genius. While no person who has allegedly been injured by this product will receive a penny—and, indeed, as a result, the defendant will not be deterred from engaging in that sort of conduct, nor will, as I say, any victim be compensated—the State recovers a windfall of damages without having to appear to raise taxes, although the increased price for the product is passed along to consumers.

As a result of this deal, the defendant's stock price rebounds, they can stay in business essentially as a partner with this law firm whose legal fees will be paid out of future sales revenue, and the State official who agrees to this ingenious scheme is elected to higher office in part on the strength of this David v. Goliath story. The only problem with this story is that it is no fairy tale.

So who are these lawyers who dreamed up this ingenious scheme to partner with a State official to be able to be delegated the sovereign power of the State and collect fabulous wealth in the form of attorney's fees that no judge will award and no jury will award because it is part of this settlement? Jack McConnell, the nominee, and his law firm.

His Web site says: McConnell played a central role in the historic litigation against the tobacco industry in which $246 million in all was recovered, it says, on behalf of the State attorneys general, serving as a negotiator and primary drafter of the master settlement agreement. As a result, Mr. McConnell told us in the Judiciary Committee, he expects to collect between $2.5 million and $3.1 million a year from now through 2024. What is more, Jack McConnell now finds himself nominated to be a Federal judge in whose court future ingenious but ethically dubious schemes can be expected to have a warm reception.

This is the type of thing Stuart Taylor—a well-respected legal commentator—called, he said: The rule of law has now morphed into these sorts of schemes into the rule of lawyers. He has talked about the sequel to this litigation I have described in this story which was the lead paint lawsuit, which we have talked about a little before, which was unanimously rejected by the Rhode Island Supreme Court—frivolous litigation.

As a matter of fact, Mr. McConnell and his law firm were assessed fees of over $200,000. But Mr. Taylor said: It is litigation of this type which has perverted the legal system for personal or political gain at the expense of everyone else. Strong words, hard words, but I think the Senate needs to know the type of nominee we are voting on, and the American people need to know what the record of this nominee is, so then they can hold the Senators who vote for his confirmation accountable.

But this is not a partisan issue. It is not. This is not even about ideology. This is about ethics. This is about upholding the rule of law.

Mr. President, I ask unanimous consent that after the close of my remarks, a Wall Street Journal article, dated January 12, 2000, by Robert B. Reich, be printed in the RECORD.

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

(See exhibit 1.)

Mr. CORNYN. Mr. Reich was Secretary of Labor during the Clinton administration, and he wrote an article in the Wall Street Journal that I think is particularly appropriate to what I am talking about. The lead of the article from this prominent Democrat, a Cabinet Secretary under Bill Clinton, is: ''Don't Democrats Believe in Democracy?'' That is the title. I will not read all of it, but I will read just a few sentences.

In talking about this kind of government-sponsored litigation by outsourcing the responsibilities of the sovereign government and the elected officials to contingency fee lawyers, whose only motive is maximizing their personal profit, he said:

> . . . the biggest problem is that these lawsuits are end runs around the democratic process. We used to be a nation of laws, but this new strategy presents novel means of legislating—within settlement negotiations of large civil lawsuits initiated by the executive branch. This is faux legislation, which sacrifices democracy to the discretion of administration officials operating in secrecy.

Well, I agree with Secretary Reich. I think this is a threat to our democracy. Again, I do not think it should be viewed as a partisan issue, even though he has that provocative headline and he is talking about members of his own party who have endorsed and initiated some of this type of litigation.

We had an earlier vote, as I said, where 63 Senators voted to close off debate, and we will have a vote here in short order. I know some Senators have indicated they voted to close off debate because they felt that was the appropriate vote to make, but they were going to vote against Mr. McConnell's nomination. So we will see how many votes he gets. But we know if it is a party-line vote, there are 53 Democrats in this body and 46 Republicans. If it is a party-line vote, Mr. McConnell is going to be a Federal judge. But I think it is important to make the RECORD crystal clear as to the type of nominee Senators are voting on. I think it is my responsibility to my constituents, it is my responsibility to the Senate, to express the strong objections I have to this nominee. Surely—well, I know there are better people for the President to nominate in Rhode Island. Two of them serve in the Senate. There are other qualified people who could be nominated, and I believe this ethically challenged nominee—who, according to the words of Stuart Taylor, is among a class of lawyers who have perverted the legal system for personal and political gain at the expense of everyone else—is the wrong person for this job. So I will be voting against the nomination.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Jan. 12, 2000]

DON'T DEMOCRATS BELIEVE IN DEMOCRACY?

(By Robert B. Reich)

If I had my way there would be laws restricting cigarettes and handguns. But Congress won't even pass halfway measures. Cigarette companies have admitted they produce death sticks, yet Congress won't lift a finger to stub them out. Teenage boys continue to shoot up high schools, yet Congress won't pass stricter gun controls. The politically potent cigarette and gun industries have got what they wanted: no action. Almost makes you lose faith in democracy, doesn't it?

Apparently that's exactly what's happened to the Clinton administration. Fed up with trying to move legislation, the White House is launching lawsuits to succeed where legislation failed. The strategy may work, but at the cost of making our frail democracy even weaker.

The Justice Department is going after the tobacco companies with a law designed to fight mobsters—the 1970 Racketeer Influenced and Corrupt Organizations chapter of the Organized Crime Control Act. Justice alleges that the tobacco companies violated RICO by conspiring to create an illegal enterprise. They did this by agreeing to a ''concerted public-relations campaign'' to deny any link between smoking and disease, suppress internal research and engage in 116 ''racketeering acts'' of mail and wire fraud, which included advertisements and press releases the companies knew to be false.

A few weeks ago, the administration announced another large lawsuit, this one against America's gun manufacturers. Justice couldn't argue that the gun makers had conspired to mislead the public about the danger of their products, so it decided against using RICO in favor of offering ''legal advice'' to public housing authorities organized under the Department of Housing and Urban Development, who are suing the gun makers on behalf of their three million tenants. The basis of this case is strict liability and negligence. The gun makers allegedly sold defective products, or products they knew or should have known would harm people.

Both of these legal grounds—the mobster-like conspiracy of cigarette manufacturers to mislead the public, and the defective aspects of guns or the negligence of their manufacturers—are stretches, to say the least. If any agreement to mislead any segment of the public is a ''conspiracy'' under RICO, then America's entire advertising industry is in deep trouble, not to mention health maintenance organizations, the legal profession, automobile dealers and the Pentagon. And if every product that might result in death or serious injury is ''defective,'' you might as well say goodbye to liquor and beer, fatty foods and sharp cooking utensils.

These two novel legal theories give the administration extraordinary discretion to decide who's misleading the public and whose products are defective. You might approve the outcomes in these two cases, but they establish precedents for other cases you might find wildly unjust.

Worse, no judge will ever scrutinize these theories. The administration has no intention of seeing these lawsuits through to final verdicts. The goal of both efforts is to threaten the industries with such large penalties that they'll agree to a deal—for the cigarette makers, to pay a large amount of money to the federal government, coupled perhaps with a steep increase in the price of a pack of cigarettes; and for the gun makers, to limit bulk purchases and put more safety devices on guns. In announcing the lawsuit against the gun makers, HUD Secretary Andrew Cuomo assured the press that the whole effort was just a bargaining ploy: ''If all parties act in good faith we'll stay at the negotiating table.''

But the biggest problem is that these lawsuits are end runs around the democratic process. We used to be a nation of laws, but this new strategy presents novel means of legislating—within settlement negotiations of large civil lawsuits initiated by the executive branch. This is faux legislation, which sacrifices democracy to the discretion of administration officials operating in secrecy.

It's one thing for cities and states to go to court (big tobacco has already agreed to pay the states $246 billion to settle state Medicaid suits, and 28 cities along with New York state and Connecticut are now suing the gun manufacturers; it's quite another for the feds to bring to bear the entire weight of the nation. New York state isn't exactly a pushover, but its attorney general, Eliot Spitzer, says the federal lawsuit will finally pressure gun makers to settle. New York's lawsuit is a small dagger, he says. ''The feds' is a meat ax.''

The feds' meat ax may be a good way to get an industry to shape up, but its a bad way to get democracy to shape up. Yes, American politics is rotting. Special-interest money is oozing over Capitol Hill. The makers of cigarettes and guns have enormous clout in Washington, and they are bribing our elected representatives to turn their backs on these problems.

But the way to fix everything isn't to turn our backs on the democratic process and pursue litigation, as the administration is doing. It's to campaign for people who promise to take action against cigarettes and guns, and against the re-election of House and Senate members who won't. And to fight like hell for campaign finance reform. In short, the answer is to make democracy work better, not to give up on it.

Mr. GRASSLEY. Mr. President, I rise today to speak in opposition to one of President Obama's most controversial nominees, Mr. Jack McConnell, who has been nominated to be U.S. district judge for the District of Rhode Island.

He has dedicated his professional career, and enriched himself in the process, by bringing dubious mass tort litigation. I believe he has demonstrated a result-oriented view of the law. He has repeatedly demonstrated that he is highly partisan. And given his history of intemperate and highly partisan remarks, I do not believe he is capable of being an impartial jurist.

First, Mr. McConnell is an active partisan, a little more so than most nominees recently before the Senate. Mr. McConnell and his wife have donated at

least $700,000 to elect Democrats, over $160,000 in 2008 alone. He has served as treasurer of the Rhode Island Democratic State Committee. He is a member of Amnesty International USA and has served as a director at Planned Parenthood of Rhode Island. Partisan political activity is not disqualifying on its own. My concern is that Mr. McConnell is so steeped in political activity and ideology that it may be impossible for him to be an impartial jurist—even if he earnestly believes that he can.

We can legitimately question whether his partisanship will influence his judicial philosophy. He has made a number of sharp partisan political statements, including one in which he indicated that only Democrats fight for ''economic and social justice and opportunity for all.'' He has called for a more ''active government'' and redistribution of wealth, and claimed that ''health care should be a right of citizenship.'' When Republican Gov. Lincoln Almond kept the Rhode Island government open during a snowstorm in 1996, Mr. McConnell commented to the press that the decision was ''typical of the cold-hearted Republican attitude of disregarding workers' needs.'' He went on to argue against the Governor's appeal to the cost efficiency of keeping agencies open by saying that ''[we] could bring child labor back, which would be cheaper, too.''

Mr. McConnell has often portrayed his mass tort cases as movements against societal injustices. He has said that these cases represent ''wrongs that need to be righted and that is how I see the law.'' He has said that he is ''an emotional person about injustice at any level—personal, societal, global.'' These statements indicate an activist viewpoint. This is not what I want in a Federal judge.

Second, Mr. McConnell has a view of the law that I believe is outside the mainstream of legal thought. Much of McConnell's career has been devoted to bringing some of the most controversial mass tort litigation of recent years. He has pursued the manufacturers of asbestos, tobacco, and lead paint, whose actions he believes to be ''unjust.'' In bringing many of these cases, Mr. McConnell has often stretched legal argument beyond its breaking point. An example is the ''public nuisance'' theory he pursued in the Rhode Island lead paint case. Well-respected attorneys have said Mr. McConnell's theory ''just [did not] mesh with centuries of Anglo-American law'' and a former attorney general called the lead-paint cases ''a lawsuit in search of a legal theory.''

The Rhode Island Supreme Court unanimously ruled against him in State v. Lead Industries Associates, Inc. In a well-reasoned opinion, the court found that there was no set of facts that he could have proven to establish that the defendants were liable in public nuisance.

Mr. McConnell's reaction to that opinion illustrates my third major concern—that he lacks appropriate judicial temperament. Although the opinion was based firmly in the law, Mr. McConnell saw fit to publicly and harshly criticize the court's decision in a Providence Journal editorial. But his criticism made little reference to points of law. Rather, his major complaint was simply that, in his view, ''justice was not served.'' His op-ed lambasted the court for ''let[ting] wrongdoers off the hook.'' Not only were these statements intemperate, even for an advocate, but they reflect a results-oriented view of judging. Mr. McConnell did not focus on the court's analysis or argue that it wrongly applied the law. He argued that the ''wrongdoers'' weren't punished. In other words, the result didn't fit with his notion of justice, so it was the wrong result.

Mr. McConnell was also deeply involved in State lawsuits against tobacco companies. However, beyond litigation, he has shown an open hostility to tobacco companies. He told the press in 1999 that he would ''like Congress to put the Cigarette makers out of business.'' He has even gone so far as to compare people who opposed smoking bans in restaurants to the supporters of racial segregation, saying ''some people might like having all-White restaurants so they don't have to sit with Blacks, but we don't allow it.''

A fourth concern relates to the manner in which Mr. McConnell conducts his business. I am not suggesting illegal or unethical behavior, but it is a bit unseemly. He and his firm, Motley Rice, have often brought these controversial mass tort litigations cases while representing State attorneys general on no-bid contingency fee contracts. According to an April 24, 2009, Wall Street Journal editorial:

> Mr. McConnell and his firm helped pioneer the practice of soliciting public officials to bring lawsuits in which private lawyers are paid a percentage of any judgment or settlement. The law firms front the costs of litigation and are compensated if the suit is successful. But such contingency-fee arrangements inevitably raise questions of pay to play. And private lawyers with state power and a financial stake in the outcome of a case can't be counted on to act in the interest of justice alone.

There are numerous examples of campaign contributions by Mr. McConnell and/or his wife in States where he or his firm was conducting or soliciting litigation. These include Rhode Island, Ohio, Washington, Vermont, and North Dakota.

In another instance, as part of a settlement in the Rhode Island lead paint case, DuPont was to pay $2.5 million to the International Mesothelioma Program at a Boston hospital, which is run by a former Motley Rice expert asbestos witness, Dr. David J. Sugarbaker. According to press reports, the payment was intended to satisfy a $3 million pledge previously made by Motley Rice to Dr. Sugarbaker to secure a seat on the executive advisory board of the program.

My problem with this is the way the facts have dribbled out and the spin that Mr. McConnell has tried to put on this payment. Although both Rhode Island and DuPont claimed that the agreement was not a legal settlement, the agreement involved a commitment by DuPont to contribute over $12 million to charity and a commitment by the State of Rhode Island to dismiss the case against DuPont. DuPont refused to pay any attorneys' fees because they were disputing the permissibility of the State's use of private counsel on a no-bid contingency-fee contract. Nonetheless, DuPont agreed to make a sizeable donation to charity to settle the case.

In my view, the donation to the Boston hospital is highly suspect. Settlement money that was supposed to help reduce lead poisoning in Rhode Island in effect was diverted to offset a debt of Mr. McConnell's law firm. The chairman of the Rhode Island Republican Party described the problem as follows: ''McConnell's law firm had a $3 million obligation to a Boston hospital, and so as part of the settlement, $2.5 million of that obligation was paid by DuPont.''

Mr. McConnell does not dispute this characterization of the $2.5 million payment. Despite claims by Attorney General Lynch that the payment would not satisfy Motley Rice's obligation to the hospital, he said ''I don't see why it shouldn't, and I don't see anything nefarious or wrong with that.'' The controversy regarding the settlement intensified when attorneys from another firm who had worked on the case on a contingency fee basis disputed the payment, claiming it was a ''legal fee'' that they were not being allowed to share in.

Fifth, I am concerned that Mr. McConnell has approached this confirmation process with either a lack of diligence or a lack of candor. I am particularly troubled by the way Mr. McConnell handled himself before the committee. I believe Mr. McConnell, at best, misled the committee when he testified about his familiarity with a set of stolen legal documents that his law firm obtained during the lead paint litigation. When asked about these documents during his committee hearing, he testified that he saw the documents ''briefly,'' but that he was not familiar with them ''in any fashion.''

But several months after his hearing, Mr. McConnell was deposed, under oath, about those same documents. In his sworn deposition, Mr. McConnell testified that he was the first lawyer to receive the documents. He drafted a newspaper editorial citing information that came directly from those documents. He testified that he reviewed and signed a legal brief that incorporated the stolen documents. And, even though he told the committee that he was not familiar with the documents ''in any fashion,'' during his deposition he testified that he did not see any indication on the documents that

they were confidential or secret. How could he know the documents were not confidential or secret, if, as he testified before the committee, he was not familiar with them ''in any fashion''? Given these facts, it is hard to square Mr. McConnell's testimony before the committee with his sworn deposition testimony a couple months later.

The litigation over these documents remains ongoing. We do not know how it will conclude. We do not know whether Mr. McConnell and his law firm will be held liable for the theft of these documents. But what is the Senate going to do if we confirm this individual, and at some later date he or his law firm is found liable for theft? At that point, it will be too late. Members will not be able to reconsider their votes. The Wall Street Journal recently opined that Mr. McConnell's ''changing story about his lead paint advocacy is enough by itself to disqualify him from the bench.'' I could not agree more.

In another instance, I asked in written questions the degree of awareness or notification that he or his law firm had regarding rallies that were held outside or near the Superior Court in Providence during the lead-paint trials in September 2002. He replied ''None.'' However, there is email traffic that indicates Mr. McConnell was, in fact, aware of the demonstrations. This email was produced in the lead paint litigation as part of Sherwin Williams's motion for a new trial. In other words, Mr. McConnell and his firm had this in their possession when he was asked about it by the committee.

Inconsistent answers were provided with regard to Mr. McConnell's relationship with the ACLU as well. In response to the question ''Did you, in fact, represent the ACLU in the matter?'' Mr. McConnell said ''I entered an appearance as counsel.'' Yet in response to another question regarding any matters in which he provided legal services to the ACLU or any affiliate thereof, he replied, ''I have never provided legal services to the ACLU or any affiliate thereof.'' I find this answer confusing at best.

These types of responses indicate, at a minimum, a careless approach in his response to the legitimate inquiries of this committee. They could also be viewed as indicating a lack of candor. Either way, they do not reflect the standard we should expect from an individual who seeks confirmation to the Federal judiciary.

These concerns lead me to believe this nominee is not qualified to serve as a U.S. district judge. Finally, I note Mr. McConnell received a low rating from the ABA—a rating of substantial majority qualified, minority not qualified.

My concerns are shared by the U.S. Chamber of Commerce, and I take their views very seriously because the Chamber only rarely takes positions on judicial nominations. In a letter to this committee, the Chamber wrote:

> Mr. McConnell's actions during his career as a personal injury lawyer and past statements demonstrate his disregard for the rule of law, an activist judicial philosophy and obvious bias against businesses.

For the reasons I have articulated—one, his active partisanship which I believe he will carry with him into the judiciary; two, his legal theories being outside the mainstream; three, his lack of judicial temperament; four, his questionable business practices; and five, his lack of candor with the committee—and other concerns which I have not expressed today, I shall oppose this nomination.

I will conclude by saying this. I have supported the overwhelming majority of President Obama's judicial nominees. If it were up to me, I would not have nominated many of those individuals, but I supported them nonetheless. Mr. McConnell is in an entirely different category. I believe he misled the committee when he testified before us. For that reason alone, I do not think he should be rewarded with a lifetime appointment to the Federal bench. Even if I did not have that concern, I could not support this nominee.

Mr. LEAHY. Mr. President, earlier today, the Senate took a step toward restoring a longstanding tradition of deference to home state Senators with regard to Federal District Court nominations. The Senate turned away from what Senator REED rightly called a precipice. Eleven Republican Senators joined in voting to end a filibuster of the nomination of Jack McConnell to the District Court for the District of Rhode Island. A supermajority of the Senate came together to reject a new standard, which I believe is being unfairly applied to President Obama's district court nominees. Now, more than a year after his nomination, nearly a year after his confirmation hearing, and after having had his nomination reported positively by a bipartisan majority of the Judiciary Committee three times, the nomination of Jack McConnell will finally have an up-or-down vote in the Senate.

The Senate should have debate on judicial nominations, and Senators should be free to vote for or against any nomination. A few hours ago the Senate voted to invoke cloture and now we are proceeding to hold a final confirmation vote on this nomination.

There was no need for cloture to be filed on this nomination. There were no ''extraordinary circumstances'' that held up this nomination for over a year. Why was the Senate not able to reach a time agreement to debate and vote on this nomination last year? It was the obstruction that prevented us from doing so. It was wrong for the Senate to knuckle under to business lobbies and it was right for the Senate to reject that opposition.

In fact, in the days leading up to the filibuster vote and in the hours since, no great number of Senators has spoken in opposition to this nomination. Only a handful of Senators from the minority leadership spoke at all. Only one such Senator has spoken in opposition since cloture was invoked.

With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 13 judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. No one should be playing partisan games and obstructing while vacancies remain above 90 in the Federal courts around the country. With one out of every nine Federal judgeships still vacant, and judicial vacancies around the country at 93, there is serious work to be done.

I will support the nomination of Jack McConnell, just as I have each of the three times it was before the Judiciary Committee. Mr. McConnell is an outstanding lawyer. He is supported by his home State Senators, Senator REED and Senator WHITEHOUSE. Each has spoken passionately and persuasively in support of his nomination.

As I noted earlier, Mr. McConnell's nomination has been reported by a bipartisan majority of the Judiciary Committee three times. His nomination also has bipartisan support from those in his home State. Leading Republican figures in Rhode Island have endorsed his nomination. They include First Circuit Court of Appeals Judge Bruce Selya; Warwick Mayor Scott Avedisian; Rhode Island Chief Justice Joseph Weisberger; former Rhode Island Attorneys General Jeffrey Pine and Arlene Violet; former Director of the Rhode Island Department of Business Barry Hittner; former Rhode Island Republican Party Vice-Chair John M. Harpootian; and Third Circuit Court of Appeals Judge Michael Fisher.

The strident opposition to this nomination has been fueled by the corporate lobby, who oppose Jack McConnell because he is a good lawyer. They oppose him because he successfully represented plaintiffs, including the State of Rhode Island, in lawsuits against lead paint manufacturers. Some in the Senate may support the lead paint industry. Some in the Senate may oppose those who wish to hold lead paint companies accountable for poisoning children. That is their right. But as I said earlier in opposing the filibuster of this nomination, nobody should oppose Mr. McConnell for doing what lawyers do—vigorously represent clients.

I also hope no Senator opposes this nomination based on what I believe to be a distortion of Mr. McConnell's testimony before the committee. As chairman of the Judiciary Committee, I take seriously the obligation of nominees appearing before the Committee to be truthful. I would be the first Senator to raise an issue if there were any legitimate question as to the accuracy of Mr. McConnell's testimony. But there is not.

Far from establishing that Mr. McConnell was untruthful with the committee, the deposition transcript

cited by some who oppose his nomination in fact validates Mr. McConnell's testimony to the committee. There has been no inconsistency in Mr. McConnell's testimony, either to the committee or in sworn testimony in a deposition. Jack McConnell is not a party to the lawsuit. He has been accused of no wrongdoing. There is no basis to believe that Mr. McConnell did not answer questions from members of the committee truthfully. Some Senators may feel strongly that Mr. McConnell and his firm were wrong to sue lead paint companies, but there is simply no basis for believing that Mr. McConnell was untruthful with the committee. I hope other Senators will reject those conclusions.

With more than 25 years of experience as an outstanding litigator in private practice, Mr. McConnell has been endorsed by The Providence Journal, which wrote: ''In his legal work and community leadership [he] has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist.'' This debate should focus on Mr. McConnell's qualifications, experience, temperament, integrity, and character. Any fair evaluation of his qualifications would reveal a nominee worthy of confirmation.

I congratulate Jack McConnell and his family on his confirmation today. I commend Senator REED and Senator WHITEHOUSE for their steadfast support and all they have done to ensure that the Senate vote on this nomination.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the remaining time postcloture be yielded back and the Senate proceed to vote on the confirmation of the nomination of John J. McConnell, Jr., to be a U.S. District Judge for the District of Rhode Island; that the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that the President be immediately notified of the Senate's action; the Senate then resume legislative session and proceed to a period of morning business for debate only until 7:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island?

Mr. WHITEHOUSE. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. BOXER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. AKAKA) and the Senator from Washington (Mrs. MURRAY) would each vote ''yea.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. COBURN) and the Senator from Kansas (Mr. ROBERTS).

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

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 66 Ex.]

YEAS—50

Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden
Hagan	Nelson (NE)	

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Hoeven	Portman
Brown (MA)	Hutchison	Risch
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kirk	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker
DeMint	McCain	

NOT VOTING—5

Akaka	Coburn	Roberts
Boxer	Murray	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, the President will be immediately notified of the Senate's action, and the Senate will resume legislative session.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is now in a period for the transaction of morning business for debate only until 7:30 p.m., with Senators permitted to speak for up to 10 minutes each.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for a much longer period of time, for 45 minutes. I may not use all that time, but I would like to have permission to speak for that time.

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

ETHANOL

Mr. GRASSLEY. Mr. President, it is not going to surprise any of my colleagues or the public at large that a lot of times I come to the Senate floor to speak about agriculture and to speak about ethanol. What brings me to the floor today is the ongoing crusade by the Wall Street Journal, in an intellectually dishonest way, to put out a lot of facts about ethanol that are not true.

The latest barrage comes from an interview published last Saturday in the Wall Street Journal with C. Larry Pope, CEO of Smithfield Foods. In this article, there are a lot of misstatements about ethanol and about ethanol causing the price of food to rise dramatically. I take the floor now to rebut some of those misstatements and also to set the record straight so that when a very fine CEO such as Mr. Pope, even though I disagree with him on this article—he is a decent person, and he is a good corporate executive—the next time, he will not speak. But I can also say I do not like to have confrontations with Smithfield Foods because they do provide a lot of good-paying jobs in the Middle West, and they do a good job of adding value to agriculture.

There has been a tradition at Smithfield to kind of not appreciate American agriculture. It goes back to some conversations I had with the previous CEO by the name of Joe Luter. I remember Joe Luter coming to my office to try to explain to me some things he thought I had misinterpreted of what he was really talking about regarding the family farmer and about the production of hogs and whether he was wanting to put the family farmer out of business.

I remember just as if it was said to me yesterday a statement he made when I said: You are running the family farmer, the family producer, the independent producer out of the hog business, and you want to control everything. He said to me something along the lines: I do not want to put your farmers out of business; I just want them feeding my pigs. He was basically saying he wanted the family farmer to be an employee of Smithfield and not be an independent producer.

Another point he tried to argue with me—and I am referring to Mr. Pope's predecessor, Mr. Luter—he also argued that Iowa farmers in a sense were not smart enough to run a packing plant. In fact, he offered to give a plant to a group of farmers and guaranteed it would be out of business within 6 months.

I do not know whether I have fault with Mr. Pope as CEO of Smithfield and ethanol in this case as opposed to Mr. Luter, his predecessor, and who is going to raise pigs, but there may be an institutional bias within the corporation of Smithfield.

Anyway, with that as background, I want to go to this article I pointed out that was in the Wall Street Journal. The article says: ''It is Getting Hard to Bring Home the Bacon.'' Basically, what the paper is saying in that headline is that because so much corn is used for ethanol, we are raising the price of corn and that is driving up the price of food.

Well, I am on the floor to say that is a bunch of hogwash. This article was in the April 30 edition of the Wall Street Journal, so if people want to read it and check it against what I have to say, I am happy to provide that information. The article was based on an interview with C. Larry Pope, CEO of Smithfield Foods, the largest pork producer and the largest pork processor.

The opinion piece was intended to share Mr. Pope's view on rising food prices and also on the price of pork. Mr. Pope puts much of the blame on the Federal ethanol program. But I wish to address a number of the claims made by Mr. Pope, and claims made in the opinion piece presumably based on statements by Mr. Pope.

Mr. Pope claims, and I quote:

Now, 40 percent of the corn crop is directed to ethanol, which equals the amount that is going into livestock food.

Right there, statistically, he is wrong. Let me point out how he is wrong. In 2010, 4.65 billion bushels of corn were used to produce 13 billion gallons of ethanol. But ethanol production uses only the starch from a corn kernel. So I want to hold up a bag of corn kernels. It would be better if I brought in an ear of corn, but this is the best way to transport it. These are corn kernels.

When ethanol uses only the starch from the corn kernel, the result is that more than one-third, or 1.4 billion bushels of corn—and it is called dried distiller's grain, and this is what dried distiller's grain is—was available as a high-value livestock feed. In fact, what is left over after you produce ethanol is of much more value than if you would take the original corn kernels and use that by itself for animal feed.

Let's go back to that quote.

Now, 40 percent of the corn crop is directed to ethanol, which equals the amount that is going into livestock food.

Well, on a net basis now, ethanol production used only 23 percent of the U.S. corn crop—far less than the 40 percent that ethanol detractors claim. So once again, you have a bushel of corn—56 pounds. Out of that 56 pounds of corn, you get 2.8 gallons of ethanol. When you get done making the ethanol, you have 18 pounds of dried distiller's grain that is left over. Anybody who isn't ignorant about ethanol understands there is still an animal feed product left over. So you can't say you are making ethanol out of corn and using it all for ethanol and nothing for food, because this is a very efficient process.

By the way, let me say this. You can tell about the ignorance over ethanol in this town because a lot of people pronounce it E-E-E-T-H-A-N-O-L. It is ethanol. But people who are ignorant about it don't even know how to pronounce it. I don't know whether Mr. Pope pronounced it right or not.

According to the USDA, feed use consumes 37 percent of the U.S. corn supply, much more than the 23 percent consumed by ethanol production. So I hope Mr. Pope will put that in his pipe and smoke it, because he is wrong on that point. Ethanol is not diverting corn away from feed use.

Next, Mr. Pope claims:

Ethanol policy has impacted the world price of corn.

I am glad Mr. Pope raised that issue. He clearly has no idea how little an impact ethanol has on the global grain market. In fact, U.S. ethanol use represents a mere 3 percent of the world's supply of coarse grain. In addition, the global grain supply in 2010 to 2011 is 11 percent larger than the 2000 to 2001 supply.

U.S. farmers happen to be the most productive in the world. Since 1975, American farmers have doubled U.S. corn production from under 6 billion bushels to over 12 billion bushels last year, and they have done it using essentially the same number of acres. Corn farmers today grow five times as much corn as they did in 1930 on 20 percent less land.

So for all those people out there who think there isn't enough productivity in the American farmer or in our land or in the efficiency of producing, I hope you understand that we are producing five times more corn than we did in 1930 but doing it on 20 percent less land. Let me explain it another way. In 1910, you know what powered agriculture? Horses and mules. And in that day, it took 90 million acres of land to grow the food to keep the animals that powered agriculture alive and productive. That 90 million acres is equal almost to the 92 million acres that will be planted to corn in the United States this year.

Farmers are continuing to meet the growing demand of ethanol, livestock feed, and exports. So I hope that Mr. Pope will put that in his pipe and smoke it, because he needs to understand how productive the American grain farmer is.

The author of the opinion piece then makes a claim that has absolutely no basis in fact, so I guess I can't attribute this to Mr. Pope. The article states:

The EPA has found ethanol production has a neutral to negative impact on the environment.

I have always said that ethanol is good for the environment, but here we have the EPA being quoted stating it has a neutral to negative impact on the environment. The fact is, under the renewable fuels standard created in 2007, corn ethanol was required to reduce greenhouse gas emissions compared to gasoline by at least 20 percent. Corn ethanol has exceeded that threshold. In other words, the law says such and such, and ethanol exceeds what the law even requires.

A reduction of more than 20 percent compared to gasoline is not neutral. So the EPA has found ethanol production has neutral to negative impact on the environment. Not so. If you remove EPA's use of murky science surrounding emissions from what is called indirect land use—and that is kind of complicated, so I won't go into that—ethanol reduces greenhouse gas emissions by 48 percent compared to gasoline.

I have heard Senators in the last 2 months on the floor of the Senate telling all of us that ethanol was bad for the environment, but a recent peer-reviewed study published in the Yale Journal of Industrial Ecology—all those Ivy League people in the Senate ought to have some allegiance to anything done by Yale University—says that ethanol reduces greenhouse gas emissions by up to 59 percent compared to gasoline.

Mr. Pope also asserts that Pilgrim's Pride went bankrupt because of ethanol. Pilgrim's Pride was a food processor. He stated:

The largest chicken processor in the United States, Pilgrim's Pride, filed for bankruptcy. They couldn't raise prices, so their cost of production went up dramatically.

Again, facts are stubborn things. On December 1, 2008, analysts cited the primary cause of bankruptcy was their large debt load, the result of the acquisition of a $1.3 billion rival they purchased in 2007. Other factors included low chicken demand and prices resulting from the recession and poor commodity hedging. But it had nothing to do with the price of ethanol and corn prices being high. So I hope Mr. Pope will put that in his pipe and smoke it.

Another statement by Mr. Pope seems to place all the blame on corn farmers for rising food prices. He said:

You eat eggs, you drink milk, you get a loaf of bread, and you get a pound of meat. All of those are based on grains.

That last part of the statement is accurate. But let me tell you what is wrong with the relationship between rising food prices and the price of grain. Let us look at the U.S. Department of Agriculture. The farm value of every food dollar is 19 cents. In other words, if you spend $1 on food at the supermarket, only 19 cents of that goes into the pocket of the farmer. Of that 19 cents, the corn value of that farmer's income is 3 cents.

So let us look at some of these prices. You buy a box of corn flakes—12.9 ounces. Only 5.6 cents goes to a farmer if the corn is $4 a bushel. If corn is $6 a bushel, the farmer gets 8.6 cents out of a whole package of corn flakes.

Soft drinks: $4 a bushel, the farmer gets 6.6 cents. If it is $6 a bushel, he gets 10 cents.

Beef: The farmer gets 18.2 cents at the low end of corn prices, and 27.8 cents at the higher end.

I could go on with pork and chicken and turkey and eggs and milk. But the

point is, don't blame the farmer when you buy a box of corn flakes because the farmer gets a little over a nickel, or at most, if corn is higher priced, 8.6 cents. So the farmer gets 19 cents in a global way. Corn only accounts for 3 cents out of $1 of food that you buy. The other 81 cents of that $1 goes to labor, goes to energy, goes to transportation, goes to marketing, and goes to packaging.

The World Bank, in 2008, stated that biofuels were a large contributor to rising food prices. And you know what, 2 years later, in 2010, they released a more thorough analysis that essentially dismissed that idea. So I want to quote from the World Bank report.

> . . . the effect of biofuels on food prices has not been as large as originally thought. . . . the use of commodities by financial investors may have been partly responsible for the 2007–2008 spike.

So, for Mr. Pope, I hope he puts that in his pipe and smokes it because he is wrong about the amount of corn and the price of corn and the impact on food prices, and the World Bank dismisses that as well. We even have the United Kingdom—I like to say Great Britain instead of United Kingdom—their Department for Environment, Food and Rural Affairs concluded in 2010 that ''available evidence suggests that biofuels had a relatively small contribution to the 2008 spike in agricultural commodity prices.''

In 2009, the Congressional Budget Office evaluated the increasing demand for corn to produce ethanol on food prices. Maybe I better start with the 5.1-percent increase in food prices for the year 2009. Of that 5.1 percent, just one-half of 1 percent, between that and eight-tenths of 1 percent—I better say it more accurately. We have a 5.1-percent increase in food prices. Only one-half percent, maybe up to .8 percent of that 5.1 percent was due to the demand for ethanol, and about 10 percent of just the increased price of food was because of ethanol.

In 2007, Informa Economics concluded that ''it is statistically unsupported to suggest that high and/or rising corn prices are the causative reason behind high and rising retail meat, egg and milk prices.''

Another point raised in this article by Mr. Pope needs to be addressed. He said, ''Over the last several years, the cost of corn has gone from a base of $2.40 a bushel to today at $7.40 a bushel.'' While true, this all needs to be put in context. Over that same period of time, crude oil prices went from $50 a barrel to nearly $150 a barrel. Today, it is over $110 a barrel. Gold prices went from $500 an ounce to $1,500 an ounce today.

Mr. Pope would rather pay $2.40 a bushel for corn rather than $7.40. I understand that. But does he know what impact that would have on agriculture? If corn were only $2.40 a bushel, every farmer today would be out of business because the cost of production is around $4 a bushel.

I can see he wants the farmers to subsidize Smithfield if he wants to continue getting corn for $2.40 a bushel, but a farmer cannot subsidize the big corporations. Perhaps Mr. Pope would rather have us support government subsidies so long as they would allow him to buy corn below the cost of production.

I can tell you this: A lot of people say ethanol is the reason corn prices are high. It might be part of the reason. But let's suppose you didn't have any ethanol and you had $2.40 a bushel for corn. You know darn well that a lot more would be coming out of the Treasury to make sure the safety net for the family farmer was working than we give for an ethanol subsidy.

Regardless, at $7.40 a bushel, the corn costs in a gallon of milk is about 46 cents; the cost of corn in a pound of chicken is about 34 cents; 1 pound of beef takes about 92 cents worth of corn; and relative to Smithfield because they are big in pork, 1 pound of pork requires about 39 cents of corn. So if that $4.54-a-pound for bacon in the grocery aisle contains only 39 cents worth of corn, perhaps Mr. Pope should explain to all of us—and, most important, to the people who buy it, the consumer—where the other $4.15 or 91 percent of the retail cost is going.

In addition, after the steep rise in commodities in 2008, prices of corn and other commodities retreated very significantly. I don't recall seeing from people like Smithfield, that when corn was $7 3 years ago and it went down to $3.58—I didn't see a very dramatic drop in prices at the grocery store after the corn prices dropped, which leads me, as I have so often said on the floor of the Senate, that these food processors need to scapegoat something to increase the price of their product to the retailer and the consumer. Then when the price goes down, they have increased their price but the price doesn't go down accordingly.

Mr. Pope claims rising corn prices are hurting his business. He said, ''Rising prices are already squeezing food producers 2 to 3 percent earnings margins.'' That is his quote. The statement is rather surprising given the contradictory earnings report for Smithfield Foods that came out March 10, 2011. Smithfield reported net income for the quarter of $202 million, an increase of $165 million over the same quarter in 2010. Mr. Pope stated at the time of the earnings report: ''We are extremely pleased with the record performance of our company in the third quarter. Year to date, our earnings have surpassed that of our record year.''

The reality of Smithfield's record profits fails to validate the rhetoric. According to the article—and here I am quoting the article and not Mr. Pope:

> Smithfield's economists estimate corn prices would fall by a dollar a bushel if ethanol blending wasn't subsidized.

I guess if it is Smithfield's economists, it must be coming directly from the company, then. Smithfield may want to invest, then, in better economists.

According to an April 2011 study issued by the Center for Agricultural and Rural Development at Iowa State University, only 14 cents or 8 percent of the increase in corn prices from 2006 to 2009 was due to ethanol subsidies. The study also found that without the ethanol subsidy, corn prices would have averaged only 4 percent less over the same period of time.

Finally, the article calls into question the value of ethanol to our Nation's energy supply. It states:

> The ethanol industry would supply only 4 percent of the nation's annual energy needs even if it used 100 percent of the corn crop.

This is a straw man. No one is arguing that ethanol will replace our Nation's entire energy needs. Using just 23 percent of the corn crop, we are displacing nearly 10 percent of our Nation's foreign oil dependence. Domestic ethanol production ranks behind only the United States and Canadian oil production in terms of domestic transportation fuel supply.

It is obvious that Saturday's opinion piece in the Wall Street Journal was just another coordinated effort to undermine and scapegoat homegrown ethanol and America's corn farmers to help deflect criticism from big food producers. Make no mistake, Smithfield's CEO, Larry Pope, is concerned with only one thing—Smithfield's bottom line.

While companies such as Smithfield perpetuate a smear campaign to boost their profits, American farmers and alternative-fuel producers are working hard to produce a reliable and safe supply of food, fiber, and feed for the Nation and the world.

That is the end of my reaction to what he, Mr. Pope, said, but I would like to end by saying that the marketplace will take care of this. You know, 30 years ago when we started an ethanol program, we produced about 100 bushels of corn to the acre on average. Today, nationally, I think it is about 155 bushels of corn to the acre. In Iowa, I think it is about 168; the year before, it was 182.

People who are experts in genetics can say we will be able to double the production of corn over the next 50 years. That is one way we can solve this problem. The other way is that there is a massive amount of land in a lot of places on this Earth, and a great part of it is in West Africa, South Africa, and parts of East Africa, where, if people would establish law guaranteeing property rights, title to land, there would not be governmental disincentives to growing food, there would not be a cheap food policy—there would be a massive production of foodstuff in this world.

In the United States, we are going to continue to produce more. There are going to be 4 million more acres of corn grown this year than last year.

There are even some odd things being done because the price of corn is $7.

From the Des Moines Register, this headline, from a northern small community of Iowa: At the Whittemore Golf Club, the golf course is going to be plowed up and planted with corn. There are some extreme measures that will be taken here to respond to the demand for food or fiber or fuel.

Just remember, agriculture in America has the capability—the demonstrated capability to produce it all. We don't grow crops just for food. We have always grown for food and fiber, and for the last 30 years, food, fiber, and fuel. We can continue to do it, and we are going to do it successfully, and the consumers of America are not going to pay for it. In fact, if we do not continue to do that and keep the family farmer of the United States healthy and strong—and ethanol is a contribution to that—then we are not going to be able to meet the needs of our society.

I yield the floor.

TRIBUTE TO ROBERT CVAR

Mr. REID. Mr. President, today we congratulate an important Senate employee on retiring after 34 years of dedicated service. Robert Cvar started working at the Senate Recording Studio on August 1, 1977, as a film technician. He worked his way up the ladder to become a broadcast production director. In addition to television studio production, Bob directs the very proceedings that many Americans are watching now on the Senate floor.

Bob plans to spend his retirement with his wife Rocio and their daughter Veronica, who turns 3 years old this week. As a native of Minnesota, Bob is a diehard Minnesota Vikings fan. This year, one of his lifelong dreams came true when the University of Minnesota at Duluth won the national championship for men's hockey.

I am proud of the many dedicated employees like Bob that help this Chamber function. The entire Senate family extends our best wishes to Bob Cvar in his future endeavors.

REMEMBERING SALLY BROWN

Mr. MCCONNELL. Mr. President, it is with great sadness that I rise today to pay tribute and bid a fond farewell to a remarkable philanthropist, a proud Louisvillian, a great-grandmother of 29, and a dear friend. Sadly, Sara Shallenberger Brown—known by her friends as ''Sally''—passed away this April 30 in Louisville, just after celebrating her 100th birthday on April 14.

Sally was more than just a leading citizen of Louisville and of Kentucky—she was a driving force of nature. Through her energy, spirit, and great generosity, she made our city and our Commonwealth better places to live.

Sally led a life that would not seem out of place in an epic movie or novel. Born in Valdez, AK, in 1911, her father was a brigadier general who fought in France during World War I and served with generals Pershing and Patton. In 1931, Sally visited a friend from college in Louisville, and here she met her future husband, W.L. Lyons Brown. When Lyons soon after wrote Sally's parents to tell them he was naming a race horse ''Sally Shall,'' they knew it had been love at first sight.

The couple made their home in Louisville, where he was the president and chairman of Brown-Forman Corp., a Louisville-based company for over 140 years and one of the largest American-owned spirits and wine companies. Sally became a generous benefactor to Louisville institutions such as the Speed Museum, Locust Grove, the Actors Theatre of Louisville and Waterfront Park.

She was instrumental in preserving Locust Grove, the final home of Louisville founder George Rogers Clark. Where the home had once been abandoned and in ill repair, today it is a museum and National Historic Landmark.

Sally cared deeply and throughout her long life for conservation and preservation. She founded a conservation program to preserve the natural beauty of the Kentucky River. She advocated for the preservation of federal national wildlife refuges, and was present at the bill signing by President Jimmy Carter that saw the culmination of her efforts. She was a delegate to U.N. conferences, and traveled internationally to promote wildlife conservation.

But most of all, Sally will be remembered for her enjoyment of life. She loved to be outdoors, working on her farm. Even in her later years you could often see her riding around on top of her tractor. She was an artist, designer, and breeder of cattle, thoroughbreds and Cavalier King Charles spaniels.

Sally inspired her family, friends and all who knew her as she forged ahead with her many philanthropic and intellectual interests, all while setting the example as the matriarch of the Brown family since her husband's passing in 1973. Together they had four children, 12 grandchildren, and 29 great-grandchildren, and I want to express my condolences to them and other family members at this great woman's passing.

Mr. President, the Louisville Courier-Journal recently published an editorial celebrating the life of Sally Brown. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was printed as follows:

[From the Louisville Courier-Journal, May 2, 2011]

SALLY BROWN: A FORCE OF NATURE

Five years ago, when Kentucky Educational Television produced a documentary about her life, Sara Shallenberger Brown was called ''a force of nature.''

For most of the century through which she lived, she was precisely that. And with her death on Saturday, the environmental movement and the community have lost a remarkable leader.

The daughter of an Army general who fought alongside George Patton in World War II, Mrs. Brown witnessed important events in history at close range. Born in Valdez, Alaska, in 1911, decades later she would become a leader in the drive to save the Arctic National Wildlife Refuge in Alaska and stood beside President Jimmy Carter when he signed the act protecting it in 1980.

Widowed for almost 40 years from distillery executive W.L. Lyons Brown, Sr., she rejected a comfortable, quiet life and became an advocate for all sorts of causes related to the environment. She traveled to Frankfort to testify about the perils of strip mining and always came armed with a battery of facts, which she eloquently expressed in precise terms.

She often said that to succeed as an advocate on political issues a woman needs to ''act like a lady, look like a girl, think like a man, and work like a dog.''

Besides her crusades, Sally Brown enjoyed life. She loved to ride, shoot and take care of her farm. She was as much at home on her tractor as she was in the corridors of power. She took pleasure in the accomplishments of her children and grandchildren and always challenged those she knew to push harder.

She lived well on a grand stage, and with her departure, our city has lost one of its visionary leaders.

TRIBUTE TO DAVID AND IRENE MORRIS

Mr. MCCONNELL. Mr. President, I rise today to honor the extraordinary accomplishments of two of the most dedicated and hard-working citizens of the Commonwealth, David and Irene Morris of Hager Hill, KY. Working as a team of husband and wife, David and Irene have worked tirelessly over the years to strengthen and improve the manufacturing industry in Johnson County and throughout the State through their work at the Atlantic India Rubber Company.

Although Irene and David's native roots are in Michigan, the couple moved to Kentucky when the Atlantic India Rubber Company, a 92-year-old company, moved its operations here from Illinois and Ohio in 2003. David and Irene were hired to oversee the day-to-day operations of the facility. Their son and one other employee joined them on their move, and the rest of their employees were hired locally.

David and Irene's decision to take on their responsibilities as manager and executive came at a time when the State's manufacturing job rate was on a steady decline. In recent years, Kentucky has lost too many of its manufacturing jobs, with some especially hard-hit counties losing as many as one-third of their manufacturing employers. But thanks to David and Irene, this was not to be in Johnson County. The couple lived in their warehouse while trying to establish the business, and had to have machines shipped from other locations since the local business community was geared more towards the coal industry than manufacturing, but they succeeded. As only one of nine manufacturing employers in the county, they have raised the local area's manufacturing employment rate, and have helped keep jobs from drifting overseas.

Last spring, after the couple had poured nearly 10 years of their lives into building the company, then-owner Jim Green announced that he would be retiring. With none of the interested buyers having ties to Johnson County, David and Irene knew what they had to do. Later that fall the couple announced they were the new owners of the Atlantic India Rubber Company.

Because of their purchase, the rubber parts used on Harley Davidson motorcycles, Arctic Cat snowmobiles, and Boeing jets would still be made in the heart of the Commonwealth, and eight hardworking people would still have their jobs. With combined help from the Southeast Kentucky Economic Development Corporation and the Mountain Association for Community Economic Development, David and Irene secured a $1.3-million loan to buy the company and the location.

Irene once said that at first she was hesitant to take on her responsibilities at Atlantic India Rubber Company for fear of failure. Well, as she discovered, along with her employees and the residents of Johnson County, failure was simply not in the cards for the Morrises. It is people like them, who have extraordinary aspirations and faith in themselves and in Kentucky, that continue to make the Commonwealth a thriving and positive place to work and live.

Mr. President, the Lexington Herald-Leader recently published an article highlighting the impressive careers of David and Irene, and I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the article was printed as follows:

[From Kentucky.com, Jan. 29, 2011]

JOHNSON COUNTY COUPLE BUYS OUT EMPLOYER, KEEPS JOBS IN KENTUCKY

(By Dori Hjalmarson)

KY. MANUFACTURING EMPLOYMENT WOES

Percent Change in Employment, 2005–2009

United States—16.8
Kentucky—18.6
Johnson Co.—11.6
—Kentucky Office of Employment and Training

HAGER HILL.—Irene and David Morris could have packed up and taken jobs elsewhere, maybe back home in Ohio or Michigan, when the owner of the manufacturing company retired and sold out. If that had happened, Atlantic India Rubber Co. grommets and parts might be made in China now.

But the Morrises—working as manager and executive—decided they'd poured nearly 10 years of their life into building the factory in Johnson County.

They cared about their employees, all hired locally when the 92-year-old company moved from Illinois and Ohio in 2003. They cared that the rubber parts used on Harley Davidson motorcycles and Arctic Cat snowmobiles and Boeing jets are made in the U.S.A. They wanted to save their jobs. And ultimately, Irene Morris said, the company survived ''one of the toughest years ever'' for manufacturers, so ''we knew the business was sound.''

So the couple, whose children are grown and whose only debt was a mortgage and a car loan, borrowed nearly $1.3 million to buy out their employer last summer.

''When we came on board here, we ran it like it was ours. We put a lot of ourselves into it,'' Irene Morris said.

''I think we're proud of what we do here.''

KENTUCKY'S MANUFACTURING SLIDE

Many manufacturers haven't fared so well. Since 2005, Kentucky has lost more than 18 percent of its manufacturing jobs. Some counties have lost as many as a third of their manufacturing employers and more than 60 percent of manufacturing jobs, according to the Kentucky Office of Employment and Training. The Morrises' purchase of Atlantic India Rubber helped Johnson County buck that trend.

The company is one of nine manufacturing employers in the county. Atlantic India's eight employees count for less than 10 percent of the 135–strong manufacturing labor force in the county.

But since 2005, Johnson County's manufacturing employment has grown by nearly 12 percent.

The rubber company has an old brand name, but before it moved to Johnson County, it was really just a distributor. Contractors made all the parts, Irene Morris said.

''We were a start-up in the sense that for probably 30 or maybe more years, it was maybe just a distribution center,'' she said. ''Distribution isn't all that much cost to set up; manufacturing is because you've got all your presses.

''Coming into this area, that was probably one of the biggest challenges we've had. No one in this area had experience.''

They brought two employees from Michigan, including their son, who now manages a restaurant in Paintsville. But they hired the rest of their employees locally.

The Morrises worked to improve the quality of their products and relationships with customers. Atlantic India's owner, Jim Green, was a former Johnson Countian who knew the area but lived in Florida. He trusted Irene and David Morris to run the business as though it were their own.

Irene Morris said her husband, who had served in Germany and Spain in the Army, was the one who talked her into pulling up her Michigan roots to move to Johnson County in the first place.

''I didn't have a lot of faith in my ability,'' Irene Morris said.

She had gone to college to be a social worker but got a job as a trimmer at another rubber company. She has learned the business from the ground up over 20 years. She and David met working for the same rubber company, before they were hired by Atlantic India.

There were advantages to working in Johnson County: Their boss knew the area and wanted to move; costs were lower than those in factory-saturated Ohio and Michigan; the small-town atmosphere and cost of living appealed to the couple.

But there were problems, too. The local business community isn't geared toward manufacturing.

''In Michigan,'' David Morris said, parts makers used to be so plentiful ''you could just go around the corner and find what you need.''

Now, the Morrises need a tool-and-die maker, for example, but the market is so geared toward the coal industry, they aren't sure where to start looking locally. Also, they are pleased that one of their Oregon contractors might be opening up facilities in Ohio, cutting travel and distribution costs.

When they first moved to Hager Hill, Irene and David Morris lived in their warehouse while trying to establish the business. They had to have machines shipped in and find workers they could train to run them.

They still feel like outsiders in Johnson County, but local leaders have welcomed them, Irene Morris said. She has a relationship with the local chamber of commerce, the judge-executive, state representatives. She said she personally knows the local UPS and FedEx workers, as well as bankers and suppliers.

''They made us feel like a big deal, even though we were small,'' Irene Morris said.

HANDS-ON MANAGERS

The Morrises were managers, but they knew every job in the business and were hands-on. They filled in for their workers, and they trained a press operator to fill in for them. They bought a house and two cars, and their son eventually moved on to other jobs.

''We're just ordinary people,'' Irene Morris said. She didn't have aspirations to ''get rich'' or even to own her own business until a couple of years ago, when her boss decided to retire and sell.

There were interested buyers, but none with ties to Johnson County. The economy was starting to slide, manufacturing jobs nationwide were disappearing, and the Atlantic India brand might have been valuable enough to those outside buyers without keeping the manufacturing in Kentucky.

A few years earlier, a major Johnson County manufacturer, American Standard plumbing parts, had sent hundreds of jobs to Mexico. The Morrises feared Atlantic India would have had a similar fate.

The couple made contacts with local government and non-profit groups, as well as the state Cabinet for Economic Development.

The Morrises are part of a trend, said Economic Development Commissioner Erik Dunnigan.

In 2010, 84 percent of job growth and investment growth came from existing local companies, as opposed to companies new to Kentucky: ''That's redirecting our efforts,'' Dunnigan said.

In September 2009, Atlantic India started talking with Mountain Association for Community Economic Development, a Berea non-profit. MACED and Southeast Kentucky Economic Development, a London non-profit, began the year-long process to help Atlantic India secure nearly $1.3 million in financing to buy the company and the building they were leasing.

Irene Morris had to write an application for the loan, a three-year forecast, growth projections and a business plan.

She said she knew the manufacturing side of her work, but she had to learn quickly about the financial side.

Half of the loan came from a federal Small Business Administration program handled by SKED: the other half came from MACED. If the couple defaults, the organizations would seize the business and property.

The feeling, when they signed their names to the loan, was both empowerment and trepidation.

''We've never been that far ever in debt,'' David Morris said.

But he believed in his wife. Irene Morris is officially the 51 percent owner, which gives the company a leg up in some contracts because it can call itself a ''woman-owned'' business.

The fact that the Morrises know the business so well made them good candidates for a loan, said Justin Maxson, president of MACED.

Irene Morris said she might have given up trying to get the loan if not for such encouragement from MACED and Southeast Kentucky Economic Development.

When she's ready to retire in 20 years, Morris said, ''I would like to see a couple of our employees be able to buy the business.''

HONORING OUR ARMED FORCES

LIEUTENANT MATTHEW IRA LOWE AND LIEUTENANT NATHAN HOLLINGSWORTH WILLIAMS

Mrs. BOXER. Mr. President, today I ask my colleagues to join me in paying tribute to two dedicated Navy officers who were tragically killed in a training accident in my home State of California.

LT Matthew Ira Lowe and LT Nathan Hollingsworth Williams died on April 6, 2011, after their F/A–18F Super Hornet crashed near the Lemoore Naval Air Station in central California. Lieutenants Lowe and Williams were assigned to Strike Fighter Squadron VFA–122, based at Lemoore Naval Air Station.

LT Matthew Ira Lowe of Plantation, FL, had a lifelong passion for flying. He received an engineering degree from the University of Central Florida in 2001. While in college, he also earned his pilot's license. He later joined the Navy and received his commission through Officer Candidate School in February 2003. Most recently, Lieutenant Lowe served as an instructor, and had been training to become a pilot for the elite Blue Angels exhibition team.

A decorated pilot who earned the Navy/Marine Corps Achievement Medal and the National Defense Service Medal, Lieutenant Lowe will be remembered by those who served with him for his sense of humor and outgoing personality. Lieutenant Lowe is survived by his parents Ira and Pamela Lowe, and two elder siblings. He was 33 years old.

A native of Oswego, NY, LT Nathan Hollingsworth Williams attended the University of Rochester on a Navy Reserve Officer Training Corps scholarship. Upon graduating with honors in mathematics in 2004, he reported for duty at Naval Air Station Pensacola for flight training where he earned his naval flight officer wings. Lieutenant Williams was deployed to Afghanistan, where he served aboard the U.S.S. Theodore Roosevelt, providing air support for U.S. ground troops. After returning from Afghanistan, Lieutenant Williams was chosen as a flight instructor at Lemoore Naval Air Station.

For his service, Lieutenant Williams received a number of awards including two Presidential Air Medals, the Afghanistan Campaign Medal with Star, Global War on Terrorism Service Medal, Pistol Marksmanship Medal, and Sea Service Deployment Ribbon. A dedicated Buffalo Bills fan, he will be remembered as a kind and caring person who was always willing to lend a hand to those in need. Lieutenant Williams is survived by his wife Meredith; his parents Alan and Gay Williams; and his brothers Jeffrey and Seth. He was 28 years old.

Nothing can fully account for the loss suffered by the families of Lieutenants Lowe and Williams, and all those who loved them. But I hope they can take comfort in the knowledge that they will be forever honored and remembered by a grateful Nation.

ARMENIAN GENOCIDE REMEMBRANCE DAY, 2011

Mr. LEVIN. Mr. President, each year we commemorate Armenian Genocide Remembrance Day. April 24 came during our recess this year and marked the 96th anniversary of the date in 1915 when Turkish Ottoman authorities ordered the rounding up and detention of hundreds of Armenian intellectual leaders, civic leaders, writers, priests, teachers, and doctors. Many of these leaders would eventually be executed. What followed between 1915 and 1923 was an organized campaign of deportation, expropriation, conscription, starvation, and other atrocities that resulted in the deaths of over 1.5 million Armenians. Large numbers of Armenians fled their homeland to seek safety elsewhere, including in Michigan and other communities in the United States. We remember the tragic events of this period to honor those who died and to show our respect and solace for those who survived the suffering inflicted on the Armenian people.

We also remember the Armenian Genocide to remind ourselves of the evil which mankind is capable of and to reaffirm our collective commitment to a future in which such mass atrocities will not be repeated. While the horrific abuses suffered by the Armenians have been described as the first genocide of the 20th century, they were soon followed by other genocides and mass atrocities, including the Holocaust, which Hitler said could be pursued because ''Who, after all, speaks today of the annihilation of the Armenians?'' As the tragedies in Rwanda, Bosnia, Darfur and elsewhere show, when mankind turns a blind eye to an unfolding massacre, those who would use wholesale violence against others are emboldened to believe they can act with impunity.

More recently, the international community has come together to prevent a massacre of civilians from occurring in Libya. The memory of the tragic consequences of mankind's collective failure to act in the past has helped to motivate world leaders to commit at the United Nations to the protection of the Libyan people against the murderous threats of the Qadhafi regime.

It is also important to remember the events of 1915–1923 with honesty and integrity for reconciliation and healing to occur. Some have sought to deny that these events constituted genocide. But the devastating effects of the Ottoman Turkish regime's systematic engagement in the killing and deportation of the Armenian community cannot be denied. The consequences of these acts are with us today among the Armenian diaspora living and thriving throughout the world and in the tensions within the Caucasus region. The costs of these violent acts to the victims and the survivors must not be discounted through denial.

These acts were not committed by the present day Republic of Turkey. Over the last few years, Armenia and Turkey have engaged in an important dialogue on normalizing relations. This process has unfortunately stalled, and should be reinvigorated to remove barriers and promote reconciliation between the two countries. In addition, Turkey, as a NATO ally, has played an important role in the enforcement of the U.N. resolutions regarding Libya and the protection of the Libyan people from brutal attacks by the Qadhafi regime.

So in honor of the 97th anniversary of Armenian Genocide Remembrance Day, let us rededicate ourselves to the prevention of mass atrocities and the principles of justice and understanding, which are essential for the promotion of human dignity.

REMEMBERING CONGRESSMAN ROBERT DUNCAN

Mr. WYDEN. Mr. President, I rise today to recognize a man who deserves his own branch on the tree of Oregon politics.

Former Congressman Robert B. Duncan, died Friday in Portland at the age of 90. He will long be remembered for what he achieved in reviving the Oregon Democratic Party in the years after World War II and being elected to represent two of Oregon's congressional districts during the 1960s and 1970s where he championed such great causes as civil rights and the war on poverty.

He will also be remembered as someone who bravely took on two of Oregon's iconic figures. Bob Duncan ran unsuccessfully for the U.S. Senate three times, narrowly losing to names that are familiar to everyone in this room—Wayne Morse and Mark Hatfield.

On a personal note, I might also add that Bob Duncan was the incumbent and my opponent in the 1980 primary race for Oregon's 3rd Congressional District. When I won that race I was afraid that I had made an enemy for life out of someone who was revered in State Democratic circles. I couldn't have been more wrong. He reached out to me and became both a friend and a supporter.

Throughout his life, Bob Duncan was a major force in Oregon politics, shaping the state through his various roles as speaker of the Oregon House to influential member of the House appropriations subcommittee on transportation where he played a key role in bringing light rail to the streets of Portland. His public life ended in 1987 when he stepped down as chairman of the Northwest Power Planning Council.

Bob's service in Congress covered a pivotal time in American politics the war in Vietnam. In 1966, at the urging of President Lyndon Johnson, Bob gave up his congressional seat from southern Oregon to run for the Senate against then-Governor Mark Hatfield. It was a nationally watched race pitting Duncan, a proponent of the war,

against Hatfield, one of the Nation's earliest opponents of the United States' Vietnam policy.

Two years later, Bob lost by only about 10,000 votes when he ran against Wayne Morse in the Democratic primary for Oregon's other Senate seat. Morse eventually lost to Republican Bob Packwood. In 1972, he lost again to Morse in a Democratic primary for the U.S. Senate.

Never one to remain idle, Duncan having moved to Portland, won an open congressional seat in 1974, making him the only person in Oregon history to represent U.S. House districts in different parts of the State.

But Bob Duncan's life should not be defined by races won and lost. He was a tireless advocate for civil liberties, civil rights and eliminating the scourge of poverty in America. His friends and you can count me among them remember him as tenacious and hard working with a brilliant legal mind.

I will always remember him as a larger-than-life figure who loved telling stories and never let politics getting in the way of doing what he felt was right. Despite running a hard-fought race against each other, Duncan and Mark Hatfield became close friends and working partners. Thanks to Hatfield's efforts, a government building in downtown Portland now bears Duncan's name.

Please join me in extending my condolences to his wife Kathryn and his children. All of Oregon shares in their loss.

NATIONAL VA RESEARCH WEEK

Mrs. MURRAY. Mr. President, I would like to recognize the accomplishments and discoveries of investigators and scientists at the Department of Veterans Affairs, VA, who have brought about critical advances in health care delivery and medical knowledge through innovative medical research. These researchers and the veterans that make it all possible will be honored this week by National VA Research Week, which celebrates the historic success of VA research collaborations through this year's theme of ''Discovery and Collaboration for Exceptional Health Care.'' I would like to share some of the amazing breakthroughs that have resulted from VA research and that have advanced the quality of health care for all Americans.

At the conclusion of World War I, it was clear that servicemembers returning from a new type of warfare needed innovative medical treatment. VA research began conducting hospital-based medical studies in 1925 and since then has continued to publish significant research studies on a regular basis. While VA research studies have changed dramatically over the years to reflect the needs of veterans of each conflict, the goal of providing quality care has remained paramount.

This commitment to quality care has led to a litany of medical breakthroughs and discoveries that are respected and have been utilized around the world. Without the tireless efforts of VA researchers, the medical community would not have lifesaving tools such as the pacemaker and the heart stint. Without the breakthroughs of VA research, the world may never have seen a successful liver transplant, a safer cure for tuberculosis, or genetic mapping that may one day lead to the eradication of Alzheimer's disease. The many successes of VA research continue today as ongoing projects close in on a possible cure for cancer, create new pharmaceutical solutions for serious mental illness, and build new prosthetics and assistive devices that make a return to normal life possible for our wounded warriors.

VA research holds the promise to improve treatment and rehabilitation for our Nation's veterans. From developing new prosthetics to understanding and treating traumatic brain injuries, veterans can be certain that VA medical staff will always be prepared to best heal their wounds. Wounds, both visible and invisible, must receive the best care and treatment possible, and I am proud that VA is leading the way on new treatments for post-traumatic stress disorder, PTSD.

VA breakthroughs in the treatment of PTSD have not only helped thousands of veterans but have served as an example for both the American and international mental health community. Most recently, VA has been a resource for the people of Japan while they grapple with the mental wounds of the tragic earthquake and tsunami that so violently shook that country earlier this year. Today, while the first responders and the resilient people of Alabama and the areas affected by recent tornado destruction begin physically rebuilding their homes and communities, they can rely on the Psychological First Aid Field Operations Guide to provide tips on how to begin the healing process.

Medical and scientific advances from VA research have often come through collaboration. VA has the privilege of relying on one of our Nation's greatest assets, the men and women who serve. These veterans understand that oftentimes, their participation in VA Research may not directly benefit their lives. Instead, they continue to serve their fellow Americans by trying to ensure better quality care for those who return from armed conflicts in the future. By partnering with 1 million veterans, VA is launching the Million Veteran Project, an effort to learn more about how genetics affect health.

VA also has the ability to partner with some of the best medical research institutions through their relationship with the Association of American Medical Colleges. This year's theme marks the 65th anniversary of an agreement which allowed VA to join with medical schools and create innovative partnerships directly impacting the quality of care. This partnership is a significant reason for VA research being so successful at finding innovative solutions to health care problems. Because of this collaboration, VA scientists and researchers have access to both VA medical centers and various university medical centers to conduct their research. This partnership brings together the brightest minds of our medical and scientific communities and yields positive results for our veterans.

I am proud to have been a long-time, ardent supporter of VA research. I know that VA's world-class researchers could easily work elsewhere, but they continue to work with the Department in fulfilling its obligations to constantly improve the quality of care for our veterans. At a time when more and more veterans are coming home from war and relying on VA for their health care needs, we here in Congress must make sure we can lead the way with a strong investment in our veterans and the high quality care we are committed to providing them.

ADDITIONAL STATEMENTS

60TH ANNIVERSARY OF BUENO FOODS

● Mr. BINGAMAN. Mr. President, ''red or green?'' That is the question. As anyone who has ever dined in my State well knows, this inquiry refers to whether one prefers the zesty green chile or the piquant red chile when ordering New Mexico's unique native cuisine. In fact, in my State of New Mexico ''red or green'' is our official State question, and as I understand it, New Mexico is the only State that has designated a State question.

For hundreds of years, chile has been central to the culture of New Mexico. Early Spanish settlers brought the chile plant to New Mexico from the Valley of Mexico. Today, growing and processing chile peppers is New Mexico's signature industry providing about 5,000 jobs and a total value of about $400 million per year. The chile pepper and the frijole—or pinto bean—are also the State's official vegetables.

Today I honor the Baca family of Albuquerque and the 60th anniversary of Bueno Foods. Just as chile peppers are integral to New Mexican cuisine, for generations Bueno Foods has been integral to the preparation of delicious products made from chile. The Baca family is a pillar of New Mexico business and of the Barelas neighborhood in the South Valley of Albuquerque.

Three brothers, Joe, Ray, and August Baca, members of a long-established New Mexican family, returned to New Mexico in 1946 from serving in World War II. They opened a local grocery, the Ace Food Store in Barelas. Soon they started offering their mother's legendary cooking, adding a carry-out component to the store. At first, from the kitchen of their childhood home,

they made corn and flour tortillas, tamales and posole.

The homemade traditional New Mexican dishes were an immediate hit. Then, the Baca brothers had an idea. They talked about it around the supper table with their mother and father. They talked about it day and night. It was the early 1950s and every household was getting a freezer. Commercial frozen vegetables were becoming the rage. The brothers asked themselves two questions: Why couldn't they take a piece of their heritage, New Mexico's fresh-roasted green chile, and preserve it? Why couldn't they start with an autumn tradition and use freezers to make it last until the following year's harvest?

Thus, the Baca brothers were the first to flame roast green chile and freeze it on a commercial scale. No equipment existed, so they had to build it. No process existed, so they had to invent it. And on May 18, 1951, Bueno Foods was born.

Bueno Foods has grown steadily from that small neighborhood grocery store into a producer of 150 unique New Mexican and Mexican food products, spreading ''el sabor de Nuevo Mexico'' across the State and the Nation. Now owned and operated by the second generation of the Baca family in the same South Valley neighborhood, Bueno Foods employs about 220 people year-round and up to 350 during peak chile-roasting season. The Baca family is also active in the New Mexico Chile Association, a nonprofit organization composed of growers and producers fighting to ensure the chile industry remains and prospers in New Mexico.

The Baca family has always believed in giving back to its community. To help mark the 60th anniversary celebration, Bueno Foods is focusing on four elements that are important to the family and their company: improving the environment by planting 60 cottonwood trees to replace those destroyed in last year's bosque fire in Barelas; preserving their culture by giving away special Autumn Roast Chile grown in Hatch, NM; supporting literacy and education by providing 600 copies of the children's book ''Tia Tamales'' to low-income schools in New Mexico; and contributing to 60 community charities that focus on the basic needs of education, hunger, and stronger communities.

It is an honor to congratulate Jackie, Gene, Catherine, and Ana Baca and the Baca family on their 60 years of success with Bueno Foods, to thank them for all their good work in the South Valley and throughout New Mexico, and to remember those far-sighted brothers who started it all with a good idea and a chile roaster.●

REMEMBERING ABRAHAM BREEHEY

● Mrs. BOXER. Mr. President, it is with deep sadness that I pay tribute to Abraham ''Abe'' Breehey, and I ask my colleagues to join me today in honoring his memory. Abe, who was a champion of the rights of America's working men and women, passed away suddenly last month from complications related to a brain tumor. He was just 34 years old.

Abe was a well-respected friend and colleague to many in the Senate. As director of Legislative Affairs and special assistant to the international president of the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, he tirelessly represented workers across the country. He also served as chairman of the AFL–CIO Building and Construction Trades Department's Legislative Task Force.

Abe worked closely with the Senate Environment and Public Works Committee, which I chair, in our efforts to promote clean energy jobs. He represented labor interests with passion and intellect and was a powerful advocate for the role of workers in moving the U.S. toward a clean energy future.

He was, in the words of International Brotherhood of Boilermakers President Newton B. Jones, the union's ''point man on Capitol Hill,'' who advanced many critical causes on behalf of working men and women ''with boundless enthusiasm and determination.''

Abe's work was not limited to the U.S. Congress. He also worked internationally on efforts to control global warming, representing the International Brotherhood of Boilermakers in international negotiations under the United Nations Framework Convention on Climate Change.

Abe received his bachelor's degree from Sienna College in Loudonville, NY, and his master's degree in public policy from the Rockefeller College of Public Affairs and Policy at the University of Albany. He was also a graduate of the Trade Union Program at Harvard Law School. Prior to joining the Boilermakers, he served as legislative assistant for Representative DOGGETT.

As anyone who worked with him can tell you, Abe was an extraordinary person. Always full of cheer, he possessed a gift for finding common ground on tough issues, and he was taken from this world far too early.

On Thursday, April 14, Abe passed away, leaving a loving wife, Sonya, and beloved daughter, Abigail. He is also survived by his parents Ray and Carol Breehey, sister Rachel Breehey Mollen, three nieces, and a nephew. Our thoughts and prayers go out to his loving family and many friends.

The U.S. Congress and workers across the country have lost a tireless advocate, trusted colleague and friend, and Abe will be greatly missed. Although his life was short, Abe unquestionably left his mark and he made a difference in the lives of working people everywhere. He will serve as an inspiration for all of us going forward, and we will build on his important work to honor his legacy. I know I speak for all of my colleagues in the Senate in mourning the loss of Abe Breehey and paying tribute to the life of this vibrant and successful young man.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, 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 nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1213. An act to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 1213. An act to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges.

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–1401. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fluopicolide; Pesticide Tolerances'' (FRL No. 8859–9) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1402. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Data Requirements for Antimicrobial Pesticides; Notification to the Secretaries of Agriculture and Health and Human Services'' (FRL No. 8861–7) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1403. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the

report of a rule entitled ''Triflusulfuron-methyl; Pesticide Tolerances'' (FRL No. 8871–4) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1404. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyrasulfotole; Pesticide Tolerances'' (FRL No. 8869–5) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1405. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mefenpyr-diethyl; Pesticide Tolerances'' (FRL No. 8870–9) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1406. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metiram; Pesticide Tolerances'' (FRL No. 8869–1) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1407. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aluminum tris(0-ethylphosphonate), Butylate, Chlorethoxyfos, Clethodim, et al.; Tolerance Actions'' (FRL No. 8869–6) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1408. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Carbon Dioxide; Exemption from the Requirement of a Tolerance'' (FRL No. 8873–1) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1409. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clothianidin; Pesticide Tolerances'' (FRL No. 8873–3) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1410. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Metarhizium anisopliae strain F52; Exemption From the Requirement of a Tolerance'' (FRL No. 8872–3) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1411. 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 ''Citrus Canker, Citrus Greening, and Asian Citrus Psyllid; Interstate Movement of Regulated Nursery Stock'' ((RIN0579-AD29)(Docket No. APHIS–2010–0048)) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1412. 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 ''Gypsy Moth Generally Infested Areas; Additions in Indiana, Maine, Ohio, Virginia, West Virginia, and Wisconsin'' (Docket No. APHIS–2010–0075) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1413. A communication from the Health Physicist, Army Safety Office, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Radiation Sources on Army Land'' (RIN0702-AA58) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Armed Services.

EC–1414. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert L. Van Antwerp, Jr., United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1415. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items'' ((RIN0750-AG23)(DFARS Case 2008–D011)) received during adjournment of the Senate in the Office of the President of the Senate on April 25, 2011; to the Committee on Armed Services.

EC–1416. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Peter H. Daly, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–1417. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral David J. Dorsett, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–1418. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Brigadier General Larry D. Wyche, United States Army, and his advancement to the grade of brigadier general on the retired list; to the Committee on Armed Services.

EC–1419. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Acquisition Regulation Supplement; Rules of the Armed Services Board of Contract Appeals'' (48 CFR Chapter 2) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Armed Services.

EC–1420. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of major general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1421. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Anthony L. Winns, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–1422. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the restructured National Polar-orbiting Operational Environmental Satellite System exceeding the Acquisition Program Baseline values; to the Committee on Armed Services.

EC–1423. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the C–27J program exceeding the Acquisition Program Baseline values; to the Committee on Armed Services.

EC–1424. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the realistic survivability testing of the Littoral Combat Ship (LCS); to the Committee on Armed Services.

EC–1425. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, ninety-five (95) Selected Acquisition Reports (SARs) for the quarter ending December 31, 2010 (DCN OSS 2011–0710); to the Committee on Armed Services.

EC–1426. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–011, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–1427. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 11–014, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–1428. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 10–130, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC–1429. A communication from the Chief Counsel, United States Mint, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Assessment of Civil Penalties for Misuse of Words, Letters, Symbols, and Emblems of the United States Mint'' (RIN1506–AA58) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1430. A communication from the Chief Counsel, United States Mint, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Prohibition on the Exportation, Melting, or Treatment of 5-Cent and One-Cent Coins'' (31 CFR Part 82) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1431. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled ''Corporate Credit Unions, Technical Corrections'' (RIN3133–AD58) received during adjournment of the Senate in the Office of the President of the Senate on April 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1432. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Regulation Z—Truth in Lending'' ((RIN7100–AD55)(12 CFR 226)) received during adjournment of the Senate in the Office of the President of the Senate on April 15, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1433. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1434. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1435. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1436. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1437. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1438. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1439. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 20, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1440. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65)(Docket No. FEMA–2011–0002)) received during adjournment of the Senate in the Office of the President of the Senate on April 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1441. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, two (2) reports relative to vacancies in the Department of the Treasury, received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1442. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13466 of June 26, 2008, and expanded in Executive Order 13551 of August 20, 2010, with respect to the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula; to the Committee on Banking, Housing, and Urban Affairs.

EC–1443. A communication from the President of the United States, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–1444. A communication from the President of the United States, transmitting, pursuant to law, a report relative to expanding the scope of the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–1445. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13047 of May 20, 1997, with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC–1446. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to South Africa; to the Committee on Banking, Housing, and Urban Affairs.

EC–1447. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC–1448. A communication from the First Vice President, Controller and Chief Accounting Officer, Federal Home Loan Bank of Boston, transmitting, pursuant to law, the Bank's 2010 Management Report and statement on the system of internal control; to the Committee on Banking, Housing, and Urban Affairs.

EC–1449. A communication from the Director of the Legislative Affairs Division, Natural Resources Conservation Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Wetland Conservation'' (RIN0578-AA58) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Environment and Public Works.

EC–1450. A communication from the Director of Congressional Affairs, Office of Enforcement, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Interim Enforcement Policy for Minimum Days Off Requirements'' (SRM-SECY-11-0003 and SRM-SECY-11-0028) received during adjournment of the Senate in the Office of the President of the Senate on April 25, 2011; to the Committee on Environment and Public Works.

EC–1451. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Clarifying the Process for Making Emergency Plan Changes'' (NRC Regulatory Issue Summary 2005–02, Revision 1) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Environment and Public Works.

EC–1452. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard Format and Content for Emergency Plans for Fuel Cycle and Materials Facilities'' (Regulatory Guide 3.67, Revision 1) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Environment and Public Works.

EC–1453. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Protection of Safeguard Information'' (Regulatory Guide 5.79) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Environment and Public Works.

EC–1454. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Information Relevant to Ensuring That Occupational Radiation Exposures at Medical Institutions Will Be As Low As Is Reasonably Achievable'' (Regulatory Guide 8.18, Revision 2) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Environment and Public Works.

EC–1455. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Great Lakes Ecosystem; to the Committee on Environment and Public Works.

EC–1456. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Update to Materials Incorporated by Reference'' (FRL No. 9286–2) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Environment and Public Works.

EC–1457. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Lead Standards and Related Reference Conditions and Update of Appendices'' (FRL No. 9298–1) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Environment and Public Works.

EC–1458. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule—Amendments for Milk and Milk Products Containers'' (FRL No. 9297–37) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Environment and Public Works.

EC–1459. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Florida; Jefferson County, Kentucky; Forsyth, Mecklenburg, and Buncombe Counties, North Carolina; and South Carolina'' (FRL No. 9298–9) received during adjournment of the Senate in the Office of the President of the Senate on April 19, 2011; to the Committee on Environment and Public Works.

EC–1460. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference'' (FRL No. 9298–3) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Environment and Public Works.

EC–1461. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clarifications to Indian Tribes' Clean Air Act Regulatory Requirements; Direct Final Amendments'' (FRL No. 9300–2) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Environment and Public Works.

EC–1462. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Removal of Vehicle Inspection and Maintenance Programs for Clark and Floyd Counties'' (FRL No. 9299–7) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Environment and Public Works.

EC–1463. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Interim Rule; Stay and Revisions'' (FRL No. 9299–3) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Environment and Public Works.

EC–1464. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas's Prevention of Significant Deterioration Program'' (FRL No. 9299–9) received during adjournment of the Senate in the Office of the President of the Senate on April 26, 2011; to the Committee on Environment and Public Works.

EC–1465. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois'' (FRL No. 9294–7) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Environment and Public Works.

EC–1466. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems'' (FRL No. 9299–1) received during adjournment of the Senate in the Office of the President of the Senate on April 21, 2011; to the Committee on Environment and Public Works.

EC–1467. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Northern Sonoma County Air Pollution Control District (NSCAPCD) and Mendocino County Air Quality Management District'' (FRL No. 9292–6) received in the Office of the President of the Senate on May 2, 2011; to the Committee on Environment and Public Works.

EC–1468. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''User Fees Relating to Enrolled Agents and Enrolled Retirement Plan Agents'' (RIN1545–BJ65) received during adjournment of the Senate in the Office of the President of the Senate on April 18, 2011; to the Committee on Finance.

EC–1469. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Eliminating the Decision Review Board'' (RIN0960–AG80) received in the Office of the President of the Senate on April 28, 2011; to the Committee on Finance.

EC–1470. A communication from the President of the United States, transmitting, pursuant to law, a report relative to Afghanistan and Pakistan (DCN OSS–2011–0611); to the Committee on Foreign Relations.

EC–1471. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, an Accountability Review Board report relative to an incident in Pakistan on February 3, 2010 (DCN OSS 2011–0708); to the Committee on Foreign Relations.

EC–1472. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the periods December 1, 2010 through January 31, 2011; to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mrs. MURRAY for the Committee on Veterans' Affairs.

*Allison A. Hickey, of Virginia, to be Under Secretary for Benefits of the Department of Veterans Affairs.

*Steve L. Muro, of California, to be Under Secretary of Veterans Affairs for Memorial Affairs.

*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.

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. HATCH (for himself, Mr. COBURN, Mr. MCCONNELL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. RUBIO, Mr. BLUNT, Ms. AYOTTE, Mr. WICKER, Mr. ISAKSON, Mr. VITTER, Mr. CHAMBLISS, Mr. BARRASSO, Mr. BOOZMAN, Mr. BURR, Mr. THUNE, Mr. RISCH, Mr. INHOFE, Mr. MORAN, Mr. GRASSLEY, Mr. CRAPO, Mr. JOHANNS, Mr. HOEVEN, Mr. SHELBY, Mr. COATS, Mr. CORKER, Mr. PAUL, Mr. JOHNSON of Wisconsin, Mr. MCCAIN, Mr. LEE, and Mr. KYL):

S. 877. A bill to prevent taxpayer-funded elective abortions by applying the longstanding policy of the Hyde amendment to the new health care law; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 878. A bill to amend section 520 of the Housing Act of 1949 to revise the requirements for areas to be considered as rural areas for purposes of such Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KIRK (for himself, Mrs. GILLIBRAND, and Mr. CORNYN):

S. 879. A bill to promote human rights and democracy in Iran; to the Committee on Foreign Relations.

By Mr. NELSON of Florida:

S. 880. A bill to extend Federal recognition to the Muscogee Nation of Florida; to the Committee on Indian Affairs.

By Ms. LANDRIEU (for herself, Mr. WICKER, and Mr. BLUNT):

S. 881. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWN of Ohio:

S. 882. A bill to prevent misuse, overutilization, and trafficking of prescription drugs by limiting access to such drugs for Medicare and Medicaid beneficiaries who have been identified as high-risk prescription drug users; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. GRASSLEY):

S. 883. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. JOHANNS, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. JOHNSON of South Dakota, Mr. HARKIN, and Mr. NELSON of Nebraska):

S. 884. A bill to amend the Internal Revenue Code of 1986 to provide for a variable

VEETC rate based on the price of crude oil, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 885. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico:

S. 886. A bill to amend the Interstate Horseracing Act of 1978 to prohibit the use of performance-enhancing drugs in horseracing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida:

S. 887. A bill to increase the portion of community block grants that may be used to provide public services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. FRANKEN, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Ms. SNOWE, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LIEBERMAN):

S. Res. 162. A resolution expressing the sense of the Senate that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN:

S. Res. 163. A resolution commemorating the 175th anniversary of the United States National Library of Medicine; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. GILLIBRAND, Ms. LANDRIEU, Ms. STABENOW, Mrs. FEINSTEIN, Mr. COONS, Mr. SANDERS, Mr. BEGICH, Mr. SCHUMER, Mr. BROWN of Ohio, Mr. WARNER, Mr. KOHL, Mr. JOHNSON of South Dakota, and Mr. CARDIN):

S. Res. 164. A resolution recognizing the teachers of the United States for their contributions to the development and progress of our Nation; considered and agreed to.

ADDITIONAL COSPONSORS

S. 185

At the request of Mrs. BOXER, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 185, a bill to provide United States assistance for the purpose of eradicating severe forms of trafficking in children in eligible countries through the implementation of Child Protection Compacts, and for other purposes.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 229

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 229, a bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling of genetically-engineered fish.

S. 274

At the request of Mrs. HAGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 274, a bill to amend title XVIII of the Social Security Act to expand access to medication therapy management services under the Medicare prescription drug program.

S. 393

At the request of Mr. REED, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 414

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Montana (Mr. TESTER) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 431

At the request of Mr. PRYOR, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 486

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 501

At the request of Mr. THUNE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 528

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 528, a bill to provide driver safety grants to States with graduated driver licensing laws that meet certain minimum requirements.

S. 581

At the request of Mr. BURR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 593

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 593, a bill to amend the Internal Revenue Code of 1986 to modify the tax rate for excise tax on investment income of private foundations.

S. 668

At the request of Mr. CORNYN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 718

At the request of Mr. ROBERTS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 718, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides.

S. 838

At the request of Mr. TESTER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

S. 855

At the request of Ms. STABENOW, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 855, a bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services.

S. 865

At the request of Mrs. MURRAY, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 865, a bill to provide grants to promote financial literacy.

S. 868

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. RISCH), the Senator from South Dakota (Mr. THUNE), the Senator from Alabama (Mr. SHELBY), the Senator from Kentucky (Mr. PAUL), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Iowa (Mr. GRASSLEY), the Senator from Utah (Mr. LEE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 868, a bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program.

S. RES. 86

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 138

At the request of Mrs. GILLIBRAND, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

S. RES. 144

At the request of Mrs. HUTCHISON, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. Res. 144, a resolution supporting early detection for breast cancer.

S. RES. 151

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. Res. 151, a resolution congratulating the University of Minnesota Duluth men's ice hockey team on winning their first National Collegiate Athletic Association (NCAA) Division I Men's Hockey National Championship.

AMENDMENT NO. 299

At the request of Ms. SNOWE, the names of the Senator from Indiana (Mr. COATS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 299 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. JOHANNS, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. JOHNSON of South Dakota, Mr. HARKIN, and Mr. NELSON of Nebraska).

S. 884. A bill to amend the Internal Revenue Code of 1986 to provide for a variable VEETC rate based on the price of crude oil, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased today to be joined by a number of my colleagues in introducing the Domestic Energy Promotion Act of 2011, an important piece of legislation that I believe is a good starting point in how tax policies for ethanol should evolve. I am joined in this effort by Senators CONRAD, JOHANNS, KLOBUCHAR, FRANKEN, TIM JOHNSON, HARKIN and BEN NELSON.

Over the years, I have supported domestic ethanol production as a means to improve the environment, reduce our dependence on foreign oil, increase our national security, and bring economic activity to rural America. Those efforts have undoubtedly been an enormous success. Domestic biofuels now supply more than 13 billion gallons of homegrown fuel, accounting for nearly 10 percent of our Nation's transportation fuel needs.

In 2010, Congress enacted a one-year extension of the Volumetric Ethanol Excise Tax Credit, or VEETC, also known as the blenders' credit. This 1-year extension has allowed Congress and the domestic biofuels industry to determine the best path forward for Federal support for biofuels. The legislation we are introducing today is a serious, responsible first step to reducing and redirecting Federal tax incentives for biofuels.

This legislation will reduce VEETC to a fixed rate of 20 cents in 2012, and 15 cents in 2013. It will then convert to a variable tax incentive for the remaining 3 years, based on the price of crude oil. When crude oil is more than $90 a barrel, there will be no blenders' credit. When crude oil is $50 and below, the blenders' credit will be 30 cents. The rate will vary when the price of crude is between $50 and $90 a barrel. When oil prices are high, a natural incentive should exist in the market to drive ethanol use.

It also would extend, through 2016, the alternative fuel refueling property credit; the cellulosic producers' tax credit; and the special depreciation allowance for cellulosic biofuel plant property. The bill would modify the alternative fuel refueling property credit to allow the credit for ethanol blends from E20 to E85. The credit would apply to 100 percent of the cost of the property, so long as dual-use pumps are used partly for alternative fuels. Finally, the bill would extend the ethanol import tariff, through 2016, stepping it down to 20 cents for 2012 and 15 cents for 2013 through 2016.

This legislation is a responsible approach that will reduce the existing blenders' credit and put those valuable resources into investing in alternative fuel infrastructure, including alternative fuel pumps. It would responsibly and predictably reduce the existing tax incentive, and help get alternative fuel infrastructure in place so consumers can decide which fuel they would prefer. I know that when American consumers have the choice, they will choose domestic, clean, affordable renewable fuel. They will choose fuel from America's farmers and ranchers, rather than oil sheiks and foreign dictators.

Some of my colleagues have argued that it is time to end the incentives for biofuels immediately and entirely. Not only is this bad energy policy, poor tax policy, and dangerous to our national security, it is also intellectually dishonest. I believe a discussion concerning our Nation's energy and tax policy should be debated in a comprehensive manner. Biofuels are not the only form of energy that receives incentives or supportive policies from the Federal Government.

How about the incentives for wind, oil, natural gas, nuclear, and geothermal? If the Senate intends to consider reforms to biofuels incentives, it should be in the context of a comprehensive review of all energy tax incentives. This bill is meant to serve as a first step in the process. This bill demonstrates a significant reduction in biofuels incentives over the next 5 years. I challenge my colleagues to find any other energy source that is contributing as much to our economy and energy supply that is willing to step up and do that in the current legislative debate.

Now is not the time to pull the rug out from under the only domestic renewable energy source that is making significant contributions to our energy supply. I thank my colleagues for their support, and I look forward to a comprehensive discussion to advance sensible, responsible energy tax policies.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. 885. A bill to amend the Transportation Equity Act for the 21st Century to reauthorize a provision relating to additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my distinguished colleague Senator UDALL of New Mexico to introduce the Indian School Bus Route Safety Reauthorization Act of 2011. This bill continues an important federal program begun in 1998 that addresses a unique problem with the roads in and around the Nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by roads that were often impassable are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I would like to begin with some statistics on this unique problem and why

I believe a Federal solution continues to be necessary. The Navajo Nation is by far the nation's largest Indian Reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three states: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the state of West Virginia is about 24,000 square miles. In fact, 10 states are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,700 miles of public roads serve the Navajo nation. Only about 1/3 of these roads are paved. The remaining 6,500 miles, 67 percent, are dirt roads. Every day school buses use nearly all of these roads to transport Navajo children to and from school.

About 6,200 miles of the roads on the Navajo reservation are BIA roads, and about 3,300 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian Reservation Road System. However, only BIA and tribal roads are eligible for Federal maintenance funding from BIA. Moreover, the funding for road construction from the Federal Lands Highways Program in SAFETEA is generally applied only to BIA or tribal roads. Thus, the states and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the three States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, ¾ of McKinley County is either tribal or federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, Utah, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four preschools.

The situation is similar in neighboring San Juan County, New Mexico, and Apache, Navajo, and Coconino Counties, Arizona. In light of the counties' limited resources, I do believe the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy or snowy. If the school buses don't get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without Federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. In 2005, the program was reauthorized in SAFETEA through 2009, and now extended through 2011.

Under this program, $1.8 million is made available each year to be shared equally among the three states. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to the reservation, that are on the State or county maintenance system, and that are used by school buses.

This program has been very successful. For 14 years, the counties have used the annual funding to help maintain the routes used by school buses to carry children to school and to Headstart programs. I have had an opportunity to see firsthand the importance of this funding when I rode in a school bus over some of the roads that are maintained using funds from this program.

The bill we are introducing today provides a simple 6 year reauthorization of that program, for fiscal years 2012 through 2017, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the three states.

I believe that continuing this program for 6 more years is fully justified because of the vast area of the Navajo reservation, by far the nation's largest, and the unique nature of this need that only the Federal Government can deal with effectively.

I don't believe any child wanting to get to and from school should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough hurdles to getting a good education. I ask my colleagues to join me again this year in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

I look forward to working with Chairman BOXER and Ranking Member INHOFE of the Environment and Public Works Committee, and Chairman BAUCUS and Ranking Member VITTER of the Transportation and Infrastructure Subcommittee, to incorporate this legislation once again into the next comprehensive 6 year reauthorization of surface transportation programs.

Mr. President, I ask unanimous consent that text of the bill be printed in the RECORD.

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

S. 885

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian School Bus Route Safety Reauthorization Act of 2011''.

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206; 119 Stat. 1460) is amended by striking ''$1,800,000 for each of fiscal years 2005 through 2009'' and inserting ''$2,000,000 for each of fiscal years 2012 through 2017''.

By Mr. UDALL of New Mexico:

S. 886. A bill to amend the Interstate Horseracing Act of 1978 to prohibit the use of performance-enhancing drugs in horseracing, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. UDALL of New Mexico. Mr. President, I rise today to introduce the Interstate Horseracing Improvement Act. This legislation addresses an issue affecting interstate commerce and an iconic American animal. I am pleased to be working on this in a bipartisan manner with Representative ED WHITFIELD of Kentucky.

Although many recognize the horse as an iconic American animal, particularly for the West, there are probably few who know how long horseracing has been a part of our nation's history. My colleagues in Kentucky, Maryland, and New York can boast of the Sport of Kings' long tradition in their States. Yet the first recorded horserace in what is now the United States took place in New Mexico. In 1541, the Spanish explorer Coronado challenged one of his officers to a match race while they were camped near Bernalillo.

The Spanish brought not only horses, but also horseracing to what is now the United States. Decades before the Pilgrims arrived at Plymouth Rock, Don Juan de Oñate crossed into present day New Mexico with Spanish colonists who were not just settlers but caballeros, or ''horse'' men. Native American petroglyphs record early encounters with these new arrivals travelling on horseback. Horseracing became a tradition in the Southwest as it later did in Eastern states.

That tradition continues today at racetracks in New Mexico and over 30 other States across the nation. With the Kentucky Derby this Saturday,

many Americans will turn their attention to Churchill Downs for the most exciting two minutes in sports. Some of the best of horseracing will be on display. Away from the crowds, however, horseracing finds itself facing an unattractive reality. Too many of its equine athletes are overmedicated and doped. The Sport of Kings is no place for such a drug problem.

American horseracing stands apart from the rest of the world when it comes to permissive medication rules and tolerance of doping. Unlike other countries that ban race day medications, racing jurisdictions here allow injecting horses just hours before post time. There are trainers who violate medication rules multiple times, seemingly with impunity. According to a recent Racing Commissioners International, RCI, letter, one trainer has been sanctioned at least 64 times for various rule violations, including medication violations involving the class 2 painkiller mepivacaine and the class 3 drug clenbuterol. According to the New York Times, only two of the top 20 trainers, by racing purses won, have never been cited for a medication violation. This tolerance of doping represents a shameful abuse of an iconic American animal, and it is time to put an end to it.

Anyone who goes to the track outside of a Triple Crown or Breeders' Cup race knows that attendance is down across the country. The decline is especially stark considering that horseracing was once the No. 1 spectator sport in the United States. One poll of sports industry insiders found that most think horseracing is in decline or dying. With the loss of fans, comes the loss of revenue that ultimately sustains a $40 billion industry and 400,000 jobs nationwide, including 10,000 jobs in my home State. As current fans leave the sport, many potential new fans will probably never come to the track while doping is rampant.

Although a horse may need therapeutic medication from time to time, there is no excuse for injecting almost all thoroughbreds hours before they race. As RCI Chairman William Koester rightly noted, that just does not pass the smell test with the public or anyone else. While medicating sound horses on race day is concerning, the doping of sore horses is appalling. Sore and lame horses should not be raced. Feeling no pain, an injured horse on drugs may continue to charge down the track, endangering every horse and jockey in the race. Drugs may account for the fact that the U.S. horse fatality rate is more than three times higher than in comparable British flat racing. Trainers or anyone else caught doping racehorses should face stiff penalties, including fines and meaningful suspensions.

This is a matter of concern to me as a senator from a state where quarterhorse and thoroughbred racing is an important industry. But it should be of concern to all my Senate colleagues since Congress granted a special privilege to horseracing that no other U.S. gambling enterprise enjoys: interstate and online wagering. The Interstate Horseracing Act of 1978, IHA, allows off-track, or ''simulcast,'' wagering across state lines. Internet wagering on horseraces subject to the IHA was granted a special exemption from the Unlawful Internet Gambling Enforcement Act of 2006, UIGEA. Given the benefits of the IHA, the horse racing industry should not only protect the safety and welfare of its animals and jockeys, but also ensure the integrity of the sport.

I reluctantly believe that Congressional action is needed to address this critical challenge facing the industry. Unlike other sports, horseracing lacks a governing body that can issue uniform medication rules and ban performance enhancing drugs. That is why recent calls from the RCI and the Jockey Club to phase out race day medication are not enough to save American horseracing. Despite repeated pledges from the racing industry to address this issue, horseracing's drug problem has festered for decades.

The legislation Representative WHITFIELD and I are introducing today would amend the Interstate Horseracing Act to ban performance-enhancing drugs and require stiff penalties for doping. Under the Interstate Horseracing Improvement Act, anyone who knowingly provides or races a horse on performance enhancing drugs faces minimum fines and suspensions. The winner of each race plus one additional horse must be tested for performance enhancing drugs. To ensure quality testing, the bill requires that test labs are accredited to quality standards. This legislation envisions that individual state racing commissions would continue to enforce horseracing rules within their jurisdiction, including the new anti-doping rules. However, the Federal Trade Commission can also enforce the anti-doping rules if there is inadequate enforcement. The new rules would apply only to those races that are already governed by the IHA.

In addition to the animal welfare issues that doping creates, I know how important drug reform is for those who make their living from the sport. Passing this legislation will help bring integrity back to racing, benefitting everyone involved and, most importantly, the health and safety of the horses at the center of it all.

I urge my colleagues to support the Interstate Horseracing Improvement Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 886

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Interstate Horseracing Improvement Act of 2011''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Congress enacted the Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.) to regulate interstate commerce with respect to parimutuel wagering on horseracing in order to protect and further the horseracing industry of the United States.

(2) The horseracing industry represents approximately $40,000,000,000 to the United States economy annually and generates nearly 400,000 domestic jobs.

(3) The use of performance-enhancing drugs in horseracing adversely affects interstate commerce, creates unfair competition, deceives horse buyers and the wagering public, weakens the breed of the American Thoroughbred, is detrimental to international sales of the American Thoroughbred, and threatens the safety and welfare of horses and jockeys.

(4) The use of performance-enhancing drugs in horseracing is widespread in the United States, where no uniform regulations exist with respect to the use of, and testing for, performance-enhancing drugs in interstate horseracing.

(5) The use of performance-enhancing drugs in horseracing is not permitted in most jurisdictions outside the United States. In the internationally competitive sport of horseracing, the United States stands alone in its permissive use of performance-enhancing drugs.

(6) The use of performance-enhancing drugs is illegal in the United States in every sport other than horseracing.

(7) To protect and further the horseracing industry of the United States, it is necessary to prohibit the use of performance-enhancing drugs in interstate horseracing.

SEC. 3. PROHIBITIONS ON USE OF PERFORMANCE-ENHANCING DRUGS.

(a) IN GENERAL.—The Interstate Horseracing Act of 1978 (15 U.S.C. 3001 et seq.) is amended—

(1) by redesignating section 9 as section 11; and

(2) by inserting after section 8 the following:

''SEC. 9. PROHIBITIONS ON USE OF PERFORMANCE-ENHANCING DRUGS.

''(a) DEFINITIONS.—In this section:

''(1) ACCREDITED THIRD PARTY CONFORMITY ASSESSMENT BODY.—The term 'accredited third party conformity assessment body' means a testing laboratory that has an accreditation—

''(A) meeting International Organization for Standardization/International Electrotechnical Commission standard 17025:2005 entitled 'General Requirements for the Competence of Testing and Calibration Laboratories' (or any successor standard);

''(B) from an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement; and

''(C) that includes testing for performance-enhancing drugs within the scope of the accreditation.

''(2) PERFORMANCE-ENHANCING DRUG.—The term 'performance-enhancing drug'—

''(A) means any substance capable of affecting the performance of a horse at any time by acting on the nervous system, cardiovascular system, respiratory system, digestive system, urinary system, reproductive system, musculoskeletal system, blood system, immune system (other than licensed vaccines against infectious agents), or endocrine system of the horse; and

''(B) includes the substances listed in the Alphabetized Listing of Drugs in the January 2010 revision of the Association of Racing Commissioners International, Inc., publication entitled 'Uniform Classification Guidelines for Foreign Substances'.

''(b) PROHIBITION ON ENTERING HORSES UNDER THE INFLUENCE OF PERFORMANCE-ENHANCING DRUGS IN RACES SUBJECT TO INTERSTATE OFF-TRACK WAGERING.—A person may not—

''(1) enter a horse in a race that is subject to an interstate off-track wager if the person knows the horse is under the influence of a performance-enhancing drug; or

''(2) knowingly provide a horse with a performance-enhancing drug if the horse, while under the influence of the drug, will participate in a race that is subject to an interstate off-track wager.

''(c) REGULATIONS OF THE HOST RACING ASSOCIATION BANNING PERFORMANCE-ENHANCING DRUGS.—A host racing association may not conduct a horserace that is the subject of an interstate off-track wager unless the host racing association has a policy in place that—

''(1) bans any person from providing a horse with a performance-enhancing drug if the horse will participate in such a horserace while under the influence of the drug;

''(2) bans the racing of a horse that is under the influence of a performance-enhancing drug;

''(3) requires, for each horserace that is the subject of an interstate off-track wager, that an accredited third party conformity assessment body test for any performance-enhancing drug—

''(A) the first-place horse in the race; and

''(B) one additional horse, to be randomly selected from the other horses participating in the race; and

''(4) requires the accredited third party conformity assessment body performing tests described in paragraph (3) to report any test results demonstrating that a horse may participate, or may have participated, in a horserace that is the subject of an interstate off-track wager while under the influence of a performance-enhancing drug—

''(A) to the Federal Trade Commission; and

''(B) if the host racing commission has entered into an agreement under subsection (e), to the host racing commission.

''(d) PENALTIES.—

''(1) CIVIL PENALTIES.—

''(A) IN GENERAL.—A person that provides a horse with a performance-enhancing drug or races a horse in violation of subsection (b) shall be—

''(i) for the first such violation—

''(I) subject to a civil penalty of not less than $5,000; and

''(II) suspended for a period of not less than 180 days from all activities relating to any horserace that is the subject of an interstate off-track wager;

''(ii) for the second such violation—

''(I) subject to a civil penalty of not less than $20,000; and

''(II) suspended for a period of not less than 1 year from all activities relating to any horserace that is the subject of an interstate off-track wager; and

''(iii) for the third or subsequent such violation—

''(I) subject to a civil penalty of not less than $50,000; and

''(II) permanently banned from all activities relating to any horserace that is the subject of an interstate off-track wager.

''(B) HORSERACING ACTIVITIES.—For purposes of subparagraph (A), activities relating to a horserace that is the subject of an interstate off-track wager include being physically present at any race track at which any such horserace takes place, placing a wager on any such horserace, and entering a horse in any such horserace.

''(C) PAYMENT OF CIVIL PENALTIES.—A civil penalty imposed under this paragraph shall be paid to the United States without regard to whether the imposition of the penalty results from the initiation of a civil action pursuant to section 10.

''(2) SUSPENSION OF HORSES.—A horse that is provided with a performance-enhancing drug or is raced in violation of subsection (b) shall—

''(A) for the first such violation, be suspended for a period of not less than 180 days from racing in any horserace that is the subject of an interstate off-track wager;

''(B) for the second such violation, be suspended for a period of not less than 1 year from racing in any horserace that is the subject of an interstate off-track wager; and

''(C) for the third or subsequent such violation, be suspended for a period of not less than 2 years from racing in any horserace that is the subject of an interstate off-track wager.

''(3) VIOLATIONS IN MULTIPLE STATES.—A person shall be subject to a penalty described in clause (ii) or (iii) of paragraph (1)(A), and a horse shall be subject to suspension under subparagraph (B) or (C) of paragraph (2), for a second or subsequent violation of subsection (b) without regard to whether the prior violation and the second or subsequent violation occurred in the same State.

''(e) AGREEMENTS FOR ENFORCEMENT BY HOST RACING COMMISSIONS.—

''(1) IN GENERAL.—The Federal Trade Commission may enter into an agreement with a host racing commission under which the host racing commission agrees to enforce the provisions of this section with respect to horseraces that are the subject of interstate off-track wagers in the host State.

''(2) CONDITIONAL AVAILABILITY OF CIVIL PENALTIES TO HOST RACING COMMISSIONS.—If a host racing commission agrees to enforce the provisions of this section pursuant to an agreement under paragraph (1), any amounts received by the United States as a result of a civil penalty imposed under subsection (d)(1) with respect to a horserace that occurred in the State in which the host racing commission operates shall be available to the host racing commission, without further appropriation and until expended, to cover the costs incurred by the host racing commission in enforcing the provisions of this section.

''(f) ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.—

''(1) IN GENERAL.—The Federal Trade Commission shall enforce the provisions of this section—

''(A) with respect to horseraces that are the subject of interstate off-track wagers that occur—

''(i) in any State in which the host racing commission does not enter into an agreement under subsection (e); and

''(ii) in any State in which the host racing commission has entered into an agreement under subsection (e) if the Federal Trade Commission determines the host racing commission is not adequately enforcing the provisions of this section; and

''(B) with respect to violations of subsection (b) by a person, or with respect to a horse, in multiple States.

''(2) UNFAIR OR DECEPTIVE ACT OR PRACTICE; ACTIONS BY FEDERAL TRADE COMMISSION.—In cases in which the Federal Trade Commission enforces the provisions of this section pursuant to paragraph (1)—

''(A) a violation of a prohibition described in subsection (b) or (c) shall be treated as a violation of a rule defining an unfair or deceptive act or practice described under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)); and

''(B) except as provided in paragraph (3), the Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

''(3) ENFORCEMENT WITH RESPECT TO NONPROFIT ORGANIZATIONS.—Notwithstanding any provision of the Federal Trade Commission Act (15 U.S.C. 41 et seq.), the Federal Trade Commission shall have the authority to enforce the provisions of this section pursuant to paragraph (1) with respect to organizations that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and that are exempt from taxation under section 501(a) of such Code.

''(g) RULEMAKING.—The Federal Trade Commission shall prescribe such rules as may be necessary to carry out the provisions of this section in accordance with the provisions of section 553 of title 5, United States Code.

''(h) EFFECT ON STATE LAWS.—Nothing in this section preempts a State from adopting or enforcing a law, policy, or regulation prohibiting the use of performance-enhancing drugs in horseracing to the extent that the law, policy, or regulation imposes additional requirements or higher penalties than are provided for under this section.

''SEC. 10. PRIVATE RIGHT OF ACTION FOR CERTAIN VIOLATIONS.

''Notwithstanding sections 6 and 7, in any case in which a person has reason to believe that an interest of that person is threatened or adversely affected by the engagement of another person in a practice that violates a provision of section 9 or a rule prescribed under section 9, the person may bring a civil action in an appropriate district court of the United States or other court of competent jurisdiction—

''(1) to enjoin the practice;

''(2) to enforce compliance with the provision or rule;

''(3) to enforce the penalties provided for under section 9(d);

''(4) to obtain damages or restitution, including court costs and reasonable attorney and expert witness fees; and

''(5) to obtain such other relief as the court considers appropriate.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and apply with respect to horseraces occurring on or after that date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 162—EXPRESSING THE SENSE OF THE SENATE THAT STABLE AND AFFORDABLE HOUSING IS AN ESSENTIAL COMPONENT OF AN EFFECTIVE STRATEGY FOR THE PREVENTION, TREATMENT, AND CARE OF HUMAN IMMUNODEFICIENCY VIRUS, AND THAT THE UNITED STATES SHOULD MAKE A COMMITMENT TO PROVIDING ADEQUATE FUNDING FOR THE DEVELOPMENT OF HOUSING AS A RESPONSE TO THE ACQUIRED IMMUNODEFICIENCY SYNDROME PANDEMIC

Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. FRANKEN, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Ms. SNOWE, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 162

Whereas adequate and secure housing for people with human immunodeficiency virus or acquired immunodeficiency syndrome (referred to in this preamble as ''HIV/AIDS'') is a challenge with global dimensions, and adequate housing is one of the greatest unmet needs of people in the United States with HIV/AIDS;

Whereas growing empirical evidence shows that socioeconomic status and structural factors such as access to adequate housing are key determinants of health;

Whereas the link between poverty, disparities in the risk of human immunodeficiency virus (referred to in this resolution as ''HIV'') infection, and health outcomes is well established, and new research demonstrates the direct relationship between inadequate housing and greater risk of HIV infection, poor health outcomes, and early death;

Whereas rates of HIV infection are 3 to 16 times higher among people who are homeless or have an unstable housing situation, 70 percent of all people living with HIV/AIDS report an experience of homelessness or housing instability during their lifetime, and the HIV/AIDS death rate is 7 to 9 times higher for homeless adults than for the general population;

Whereas poor living conditions, including overcrowding and homelessness, undermine safety, privacy, and efforts to promote self-respect, human dignity, and responsible sexual behavior;

Whereas people who are homeless or have an unstable housing situation are 2 to 6 times more likely to use hard drugs, share needles, or exchange sex for money and housing than similar persons with stable housing, because the lack of stable housing directly impacts the ability of people living in poverty to reduce HIV risk behaviors;

Whereas, in spite of the evidence indicating that adequate housing has a direct positive effect on HIV prevention, treatment, and health outcomes, the housing resources devoted to the national response to HIV/AIDS have been inadequate, and housing has been largely ignored in policy discussions at the international level; and

Whereas, in 1990, Congress recognized the housing needs of people with HIV/AIDS when it enacted the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), commonly referred to as the ''Housing Opportunities for Persons with AIDS Program'' or ''HOPWA Program'', as part of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4079), and the HOPWA program currently serves approximately 60,000 households: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) stable and affordable housing is an essential component of an effective strategy for human immunodeficiency virus prevention, treatment, and care; and

(2) the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

SENATE RESOLUTION 163—COMMEMORATING THE 175TH ANNIVERSARY OF THE UNITED STATES NATIONAL LIBRARY OF MEDICINE

Mr. HARKIN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 163

Whereas since 1836, the National Library of Medicine has played a crucial role in information innovation, revolutionizing the way scientific and medical information is organized, stored, accessed, and disseminated;

Whereas the National Library of Medicine houses the largest and most distinguished collection of health science and medical research literature in the world and serves as a vital resource to researchers, health professionals, and health care consumers;

Whereas the National Library of Medicine produces and provides free public access to comprehensive online databases of biological, genomic, and clinical research data that are a lynchpin to cutting edge biomedical research and are searched more than 2,000,000,000 times each year;

Whereas the National Library of Medicine plays a central role in developing health data standards to enable efficient use and exchange of health information in electronic health records;

Whereas the National Library of Medicine has conducted and supported training programs for ground-breaking informatics research and development for more than 40 years;

Whereas the National Library of Medicine is a leading source of toxicology, environmental health, and disaster preparedness and response information, including innovative use of information technology and mobile devices for first responders;

Whereas the National Library of Medicine has developed a wide range of consumer health information resources, which have improved the health of citizens of the United States and persons around the globe; and

Whereas the long and distinguished history of the National Library of Medicine is worthy of special commemoration by the people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 175th anniversary of the United States National Library of Medicine;

(2) salutes the National Library of Medicine for a long and distinguished record of service to citizens of the United States and people around the globe, and for the many contributions of the National Library of Medicine in the area of information innovation; and

(3) calls upon the people of the United States to observe the 175th anniversary of the United States National Library of Medicine with appropriate recognition and activities.

Mr. HARKIN. Mr. President, as a member of the Senate who has been very interested in and involved with the areas of biomedical research, health care and the improvement of the public health, I want to draw the attention of the Congress and the Nation to the 175th anniversary of the National Library of Medicine, NLM, located at the National Institutes of Health, NIH.

NLM has changed the way scientific and medical information is organized, stored, accessed and disseminated. Throughout its distinguished history, the Library's hallmark has been information innovation, leading to exciting scientific discoveries that ultimately improve the public health.

From its modest beginnings as the Library of the U.S. Army Surgeon General in 1836, the National Library of Medicine has grown to become the world's largest medical library and the producer of electronic information resources used by millions of people around the globe every day.

The NLM has been fortunate to be led by Donald A.B. Lindberg, M.D. since 1984. Under Dr. Lindberg's leadership, the Library has dramatically advanced toward its goal of providing access to biomedical information—anytime, anywhere—for scientists, health professionals, and the public. During Dr. Lindberg's tenure, NLM has embraced the Internet as the primary mode of delivering its services and expanded its portfolio to include genetic sequence data, high-resolution anatomical images, clinical trials information, and a wide array of high-quality information for consumers. One wonders what astonishing developments the next 175 years might bring.

Throughout its 175 years, NLM's work has been vital to facilitating and improving the effectiveness of biomedical research, getting important health information out to health professionals and consumers and conducting groundbreaking informatics research.

Index Medicus, a groundbreaking index of medical journal articles first published in 1879, evolved into MEDLINE, the first marriage of online search technology and nationwide telecommunications, in 1971. Available free of charge since 1997 via the Internet, PubMed/MEDLINE is today the most frequently consulted medical database in the world.

NLM began providing toxicology and environmental health data for use in emergency response and disaster management in the mid–1960s. Today, it produces information services to help health professionals, disaster information specialists, and the general public cope with emergencies and disasters ranging from children swallowing household cleaners to overturned trucks carrying hazardous materials to the widespread effects of hurricanes, earthquakes, wildfires, and oil spills.

NLM established librarian training programs and the National Network of Libraries of Medicine in the late 1960s, to provide equal access to the biomedical literature to persons across the country. Now with nearly 6,000 members, NLM and this network of academic, hospital, and public libraries partner with community-based organizations to bring high-quality information services to health professionals and the public—regardless of geographic location, socioeconomic status or level of access to computers and telecommunications.

NLM has conducted and supported training programs and groundbreaking informatics research and development for more than 40 years. The Library, its grantees, and its former trainees continue to play essential roles in the development of electronic health records, health data standards, and the exchange of health information.

NLM is home to the National Center for Biotechnology Information, NCBI,

established in 1988 as a national resource for molecular biology information. Its work was essential to the mapping of the human genome. Today, NCBI is an indispensable international repository and software tool developer for genetic sequences and other scientific data, and a pioneer and leader in linking data and published research results to promote new scientific discoveries.

NLM began intensive development of Web health information services for the general public in 1998 with the release of MedlinePlus.gov. Now available in English and Spanish, MedlinePlus is just one of many NLM consumer health information products also available on mobile devices. An award-winning free magazine, NIH MedlinePlus, is edited by NLM staff and is an important vehicle for sharing information from all of the NIH Institutes and Centers, in language that consumers can easily understand. Copies of the magazine, both an English and Spanish-language version, are distributed to doctors' offices, clinics, community health centers and other sites around the Nation.

NLM released ClinicalTrials.gov in 2000. It is now the world's largest source of information about clinical trials recruiting for patients and healthy volunteers, and also provides summary results of some trials long before they appear in the published literature.

In 2003, the Library teamed with the National Institute on Aging to launch NIHSeniorHealth. The site features authoritative, up-to-date information from the NIH Institutes and Centers, in a format that addresses the cognitive changes that come with older adulthood and allows easy use.

Also in 2003, NLM began a program called the Information Rx. Partnering with a variety of respected national physician groups and other organizations, NLM has supplied prescription pads to health providers, so that they can point their patients to the first-rate health information on the MedlinePlus site.

In recognition of its many achievements, today I am introducing the following Senate Resolution to commemorate the 175th anniversary of the founding of the National Library of Medicine. I offer my congratulations to NLM and to its current and past leadership and staff and thank them for their important public service.

SENATE RESOLUTION 164—RECOGNIZING THE TEACHERS OF THE UNITED STATES FOR THEIR CONTRIBUTIONS TO THE DEVELOPMENT AND PROGRESS OF OUR NATION

Mr. LAUTENBERG (for himself, Ms. MURKOWSKI, Mrs. MURRAY, Mrs. GILLIBRAND, Ms. LANDRIEU, Ms. STABENOW, Mrs. FEINSTEIN, Mr. COONS, Mr. SANDERS, Mr. BEGICH, Mr. SCHUMER, Mr. BROWN of Ohio, Mr. WARNER, Mr. KOHL, Mr. JOHNSON of South Dakota, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 164

Whereas education is the foundation of the current and future strength of the United States;

Whereas teachers and other education staff have earned and deserve the respect of students and communities for selfless dedication to our Nation's children;

Whereas the purpose of ''National Teacher Appreciation Week'', which is May 2, 2011, through May 6, 2011, is to raise public awareness of the important contributions of teachers and to promote greater respect and understanding for the teaching profession;

Whereas the teachers of the United States play an important role in preparing children to be positive and contributing members of society; and

Whereas students, schools, communities, and a number of organizations are hosting teacher appreciation events in recognition of ''National Teacher Appreciation Week'': Now, therefore, be it

Resolved, That the Senate—

(1) thanks teachers for their service;

(2) promotes the profession of teaching; and

(3) encourages students, parents, school administrators, and public officials to participate in teacher appreciation events during ''National Teacher Appreciation Week''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 5, 2011, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on ''Stolen Identities: The Impact of Racist Stereotypes on Indigenous People.''

Those wishing additional information may contact the Indian Affairs Committee.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks.

The hearing will be held on Wednesday, May 11, 2011, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 114, to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, and for other purposes;

S. 127, to establish the Buffalo Bayou National Heritage Area in the State of Texas, and for other purposes;

S. 140, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, and for other purposes;

S. 161, to establish Pinnacles National Park in the State of California as a unit of the National Park System, and for other purposes;

S. 177, to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California;

S. 247, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, and for other purposes;

S. 279, to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System;

S. 302, to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in nonwilderness areas within the boundary of Denali National Park, and for other purposes;

S. 313, to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc., and for other purposes;

S. 323, to establish the First State National Historical Park in the State of Delaware, and for other purposes;

S. 403, to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes;

S. 404, to modify a land grant patent issued by the Secretary of the Interior;

S. 508, to establish the Chimney Rock National Monument in the State of Colorado;

S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, and for other purposes;

S. 564, to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes;

S. 599, to establish a commission to commemorate the sesquicentennial of the American Civil War;

S. 713, to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes;

S. 765, to modify the boundary of the Oregon Caves National Monument, and for other purposes;

S. 779, 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. 849, to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes; and

S. 858, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact Sara Tucker or Allison Seyferth.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 12, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on carbon capture and sequestration legislation, including S. 699 and S. 757.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Allyson Anderson or Abigail Campbell.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, June 16, 2011, at 10:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to review S. 343, a bill to amend Title I of PL 99–658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau following the Compact of Free Association Section 432 Review, to appropriate funds for the purposes of the amended PL 99–658 for fiscal years ending on or before September 30, 2024, and to carry out the agreements resulting from that review.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Al Stayman or Abigail Campbell.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 4, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Budget Enforcement Mechanisms.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 4, 2011, at 2:45 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REED. 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 May 4, 2011, at 10 a.m. to conduct a hearing entitled ''Securing the Border: Progress at the Federal level.''

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

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 4, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the U.S. Department of Justice.''

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

COMMITTEE ON THE JUDICIARY

Mr. REED. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on May 4, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REED. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate, on May 4, 2011.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. REED. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 4, 2011, at 10 a.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on May 4, 2011, at 2 p.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. REED. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on May 4, 2011, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Jesse Boettcher be granted floor privileges. He is currently my military fellow.

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

Mrs. HUTCHISON. Mr. President, as Jesse Boettcher is coming to the floor—and before I speak—I want to say he has served in the Army Special Operations Command for the past 16 years. Jesse, a special forces sergeant major, has deployed to Iraq and Afghanistan numerous times over the past decade, and he has added tremendously to our office's military and overall productivity.

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Eric Strod, be granted the privilege of the floor through the balance of the day.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Samantha Wessels, Kelly Mormon, and Carolyn Trager of my staff be granted the privilege of the floor for the duration of today's proceedings.

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

CONGRATULATING THE UNIVERSITY OF MINNESOTA DULUTH MEN'S ICE HOCKEY TEAM

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 151 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 151) congratulating the University of Minnesota Duluth men's ice hockey team on winning their first National Collegiate Athletic Association (NCAA) Division I Men's Hockey National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution

be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 151) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 151

Whereas on Saturday, April 9, 2011, the University of Minnesota Duluth won the 2011 NCAA Division I Men's Ice Hockey Championship;

Whereas this is the first national championship for the University of Minnesota Duluth Bulldogs men's ice hockey team (the ''University of Minnesota Duluth'');

Whereas the University of Minnesota Duluth won the Frozen Four championship game with a 3 to 2 sudden death win over the University of Michigan;

Whereas on Thursday, April 7, 2011, the University of Minnesota Duluth defeated the University of Notre Dame in the Frozen Four semifinal game with a score of 4 to 3 to advance to the national championship game;

Whereas the game was played before a sell-out crowd of more than 19,200 fans at the Xcel Energy Center in St. Paul, Minnesota;

Whereas the University of Minnesota Duluth finished the 2010–2011 season with the most wins since the 2003–2004 season;

Whereas in the 2010–2011 season the University of Minnesota Duluth had the most fans for a home schedule in 50 Division I seasons, averaging more than 6,800 fans;

Whereas the University of Minnesota Duluth never lost more than 1 game in a row, a first in program history; and

Whereas the University of Minnesota Duluth had 6 wins and 1 loss in the postseason, closing with 4 straight wins and beating the top 2 teams in the Eastern College Athletic Conference in the East Regional and the top 2 teams in the Central Collegiate Hockey Association in the Frozen Four: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Minnesota Duluth win the 2011 NCAA Division I Men's Hockey National Championship; and

(2) recognizes University of Minnesota Duluth Chancellor Lendley Black and Athletic Director Bob Nielson, who have shown great leadership in bringing athletic success to the University of Minnesota Duluth.

RECOGNIZING THE TEACHERS OF THE UNITED STATES

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 164, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 164) recognizing the teachers of the United States for their contributions to the development and progress of our Nation.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 164) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 164

Whereas education is the foundation of the current and future strength of the United States;

Whereas teachers and other education staff have earned and deserve the respect of students and communities for selfless dedication to our Nation's children;

Whereas the purpose of ''National Teacher Appreciation Week'', which is May 2, 2011, through May 6, 2011, is to raise public awareness of the important contributions of teachers and to promote greater respect and understanding for the teaching profession;

Whereas the teachers of the United States play an important role in preparing children to be positive and contributing members of society; and

Whereas students, schools, communities, and a number of organizations are hosting teacher appreciation events in recognition of ''National Teacher Appreciation Week'': Now, therefore, be it

Resolved, That the Senate—

(1) thanks teachers for their service;

(2) promotes the profession of teaching; and

(3) encourages students, parents, school administrators, and public officials to participate in teacher appreciation events during ''National Teacher Appreciation Week''.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appoints the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: the Senator from Mississippi (Mr. WICKER), from the Committee on Commerce, Science and Transportation and the Senator from Pennsylvania (Mr. TOOMEY), At Large.

MEASURE READ THE FIRST TIME—H.R. 1213

Mr. MERKLEY. Mr. President, I understand H.R. 1213 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (H.R. 1213) to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges.

Mr. MERKLEY. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

ORDERS FOR THURSDAY, MAY 5, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, May 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that following any leader remarks, the Senate proceed to a period of morning business for debate only until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

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

PROGRAM

Mr. MERKLEY. Mr. President, the next rollcall vote is expected on Monday, May 9, at 5:30 p.m. That vote will be in relation to a nomination.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:59 p.m., adjourned until Thursday, May 5, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES INVESTOR PROTECTION CORPORATION

ANTHONY FRANK D'AGOSTINO, OF MARYLAND, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2011, VICE MARK S. SHELTON, TERM EXPIRED.

ANTHONY FRANK D'AGOSTINO, OF MARYLAND, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2014. (REAPPOINTMENT)

DEPARTMENT OF THE TREASURY

JANICE EBERLY, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE ALAN B. KRUEGER, RESIGNED.

DEPARTMENT OF STATE

RYAN C. CROCKER, OF WASHINGTON, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

THE JUDICIARY

CHRISTOPHER DRONEY, OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE GUIDO CALABRESI, RETIRED.

DANA L. CHRISTENSEN, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA, VICE DONALD W. MOLLOY, RETIRING.

KATHERINE B. FORREST, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE JED S. RAKOFF, RETIRED.

JOHN M. GERRARD, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA, VICE RICHARD G. KOPF, RETIRING.

YVONNE GONZALEZ ROGERS, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF CALIFORNIA, VICE VAUGHN R. WALKER, RETIRED.

EDGARDO RAMOS, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE STEPHEN C. ROBINSON, RESIGNED.

ROBERT N. SCOLA, JR., OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE PAUL C. HUCK, RETIRED.

DEPARTMENT OF JUSTICE

DENNIS J. ERBY, OF MISSISSIPPI, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS, VICE LARRY WADE WAGSTER, RESIGNED.

EDWARD M. SPOONER, OF FLORIDA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF FLORIDA FOR THE TERM OF FOUR YEARS, VICE DENNIS ARTHUR WILLIAMSON, TERM EXPIRED.

ELECTION ASSISTANCE COMMISSION

THOMAS HICKS, OF VIRGINIA, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2013, VICE GRACIA M. HILLMAN, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JAN-MARC JOUAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. BROOKS L. BASH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN L. HOOG

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. DAVID E. DEPUTY

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIG. GEN. JAMES D. DEMERITT
BRIG. GEN. JOSEPH K. MARTIN, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL MARK A. ATKINSON
BRIGADIER GENERAL WILLIAM J. BENDER
BRIGADIER GENERAL BRIAN T. BISHOP
BRIGADIER GENERAL CHRISTOPHER C. BOGDAN
BRIGADIER GENERAL MICHAEL J. CAREY
BRIGADIER GENERAL JOHN B. COOPER
BRIGADIER GENERAL SAMUEL D. COX
BRIGADIER GENERAL BARBARA J. FAULKENBERRY
BRIGADIER GENERAL RUSSELL J. HANDY
BRIGADIER GENERAL MICHAEL A. KELTZ
BRIGADIER GENERAL STEVEN L. KWAST
BRIGADIER GENERAL FREDERICK H. MARTIN
BRIGADIER GENERAL THOMAS J. MASIELLO
BRIGADIER GENERAL EARL D. MATTHEWS
BRIGADIER GENERAL ROBERT P. OTTO
BRIGADIER GENERAL JOHN W. RAYMOND
BRIGADIER GENERAL DARRYL L. ROBERSON
BRIGADIER GENERAL ANTHONY J. ROCK
BRIGADIER GENERAL JAY G. SANTEE
BRIGADIER GENERAL ROWAYNE A. SCHATZ, JR.
BRIGADIER GENERAL JOHN F. THOMPSON
BRIGADIER GENERAL THOMAS J. TRASK
BRIGADIER GENERAL JOSEPH S. WARD, JR.
BRIGADIER GENERAL JACK WEINSTEIN
BRIGADIER GENERAL ROBERT E. WHEELER
BRIGADIER GENERAL MARTIN WHELAN
BRIGADIER GENERAL STEPHEN W. WILSON
BRIGADIER GENERAL TOD D. WOLTERS
BRIGADIER GENERAL TIMOTHY M. ZADALIS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. PATRICIA D. HOROHO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JAMES D. THURMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARK W. PALZER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. GERALD E. LANG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. CHARLES R. BAILEY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. OMER C. TOOLEY, JR.

To be brigadier general

COL. BRIAN R. CARPENTER

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOHN R. ALLEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD P. MILLS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. GEORGE J. FLYNN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. KENDALL L. CARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ROBERT S. HARWARD, JR.

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., SECTION 531(A):

To be colonel

JEFFREY A. BAILEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

JAMES A. MACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

BERNADETTE A. ANDERSON
TERRI L. BAILEY
MARGARET M. CAREY
LINDA A. CASE
TIMOTHY L. COOK
KAREN L. COX DEAN
JUDY B. GAVIN
CHERYL J. GREENTREE
APRIL L. IACOPELLI
DANA J. JAMES
ALLEN J. KIDD
JENNIFER A. KIMMET
MICHELLE D. LAVEY
JERRY B. LAWSON
LORI D. LEE
ANNE T. MAGPURI
JODY L. OCKER
CHRISTOPHER H. PAYNE
CHRISTINE L. PIERCE
DAVID J. ROLL
JEANNINE M. RYDER
CAROLINE M. SAMUOLIS
KATHRYN FORREST TATE
DWAYNE B. WILHITE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JEFFERY D. AEBISCHER
GERALD S. ALONGE
KREG M. ANDERSON
MICHAEL W. BANK
MARK EDWIN BEST
DARLOW G. BOTHA, JR.
CHARLES R. BOWES
JEFFREY CRAIG BOZARD
SHAWN N. BRATTON
DONALD B. BREWER
WILLIAM J. BUTZ
WILLIAM A. CHRISTMAS
GERALD K. COLMER, JR.
TIMOTHY D. CROUCH
FREDERICK PUTNAM DAVIES
RONALD D. DEAL
JOEL EVAN DEGROOT
VIRGINIA I. DOONAN
ANTHONY W. DUBOSE
BRIAN J. DYKSTRA
MAUREEN ANN EVANS
ARTHUR J. FLORU
TIMOTHY HENRY GAASCH
DAVID T. GARNER
PETER S. GARNER
NICHOLAS A. GENTILE, JR.
REBECCA S. GERVASI
ROBERT S. GRANT
KIMBERLY K. L. GREENE
ROBERT J. GREY, JR.
ROBERT A. HAMM
MARK D. HEINIGER
RANDALL LEE INMAN
DANIEL ERIC JARAMILLO
ERIC JONES
JAMES V. JONES
GARY WAYNE KIRK
WILLIAM A. KRUEGER
BURL NORMAN LAMBERT
GREGOR J. LEIST
KURT L. LESLIE
RUSSELL MARK LIMKE
KEVIN C. LITTLEMORE
SCOTT M. LOCKWOOD
PAUL N. LOISELLE
ROBERT J. MACKE
JEFFREY WARREN MAGRAM
KAREN E. MANSFIELD
HAROLD G. MASHBURN
GREGORY S. MCCREARY
KEN R. MCDANIEL
JEFFREY K. MENGES
RITA ANNETTE MILLER
DAVID H. MOLINARO
PATRICIA M. MOOK
JOSEPH F. MORRISSEY, JR.
BILLY M. NABORS
GLEN M. NAKAMURA
JAMES DENNIS NEAL
MICHAEL J. NORTON
CHARLES THOMAS OSUM
JOAN E. PETERSON
CRAIG RAY PIERCE
MARK BRYON PRIVOTT
PETER V. RABINOWITCH
SHIRLEY S. RAGUINDIN
JOHN J. REED
JEFFRY ALLYN RICE
EDITH E. RIVERAMORILLO
TRACY E. RUGER
MARK J. SCHULER
CHARLES ANTHONY SHURLOW
WHITNEY A. SIEBEN
PAUL R. SILVESTRI
THOMAS PATRICK SOSTARICS
JAMES EDWARD STAUBER
DANIEL J. SWAIN
JOHN M. THOMPSON
TOMMY F. TILLMAN, JR.
LISA L. TRAYNOR
WILLIAM MARK VALENTINE
JACK M. WALL
ROY V. WALTON
ROBERT V. WARE
ROBERT JOSEPH WETZEL
KURT V. WOYAK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LAUREN F. AASE
MICHELLE D. AASTROM
LEE ANN ALEXANDER
DAVID E. AMATO
CARMEN ARGUELLES
JOHN F. BAER
KAREN L. BURKE
BARBARA A. CAIN
MEGELA E. CAMPBELL
SHELLEY A. CAMPBELL
RUSSELL D. CARTER
RANDY O. CLAXTON
JEFFREY M. DAXE

KEITH A. DEARDORFF
JULIET T. DEGUZMAN
BEATRICE T. DOLIHITE
KAREY M. DUFOUR
NANCY A. EASTMAN
DONNA M. EGGERT
RUSSEL L. FRANTZ, JR.
LAURIE L. FRAZIER
TRICIA ROCHELLE GARCIA
JON B. GENO
ERWIN N. GINES
TINA M. GOLDEN
LORRAINE S. GRAVLEY
MARY R. GRAY
CAROLYN D. GREEN
SHAWNA M. GREINER
WILLIAM J. GRESS
LINDA A. HAGEMANN
MICHELLE M. HARMON
KENNY L. HARRYMAN
LORIROSE HINDMAN
ANITA A. HOYUELA
BRIAN S. HUBBARD
JAMES M. HURST
GACQUETTE R. JENNINGS
DEBORAH K. JONES
JENNIFER A. KORKOSZ
CHRISTINE A. KRESS
PAUL J. LANGEVIN
CARLA M. LEESEBERG
LIONEL M. LYDE
MARIA E. MELENDEZ
GINGER S. MILLER
MELISSA L. MOUCHETTE
KELLY C. NADER
ANN R. NEAL
GERALDINE G. NELSON
BRIAN T. OCONNOR
JOANN V. PALMER
BRIAN S. PARKER
TORI E. PEARCE
JEANETTE L. PETREQUIN
NICHOLAS R. PETRONE
CAROLYN BECKER PIGNATARO
TAMMY D. POKORNEY
ELENA R. SCHLENKER
MAGGIE H. SCHUMACHER
ANTOINETTE M. SHINN
WARD J. SIERT
ROBERT M. SOUTHER
HEIDI M. STEWART
PATRICK W. STILLEY
PATRICIA A. B. TATE
LARRY A. TODD
JENNIFER L. TRINKLE
KIMBERLY A. VOLLMER
SHEELAH Z. WALKER
RICHARD E. WALLEN
JENNIFER M. WALTERS
MICHAEL D. WASCHER
JOHN J. WEATHERWAX
SHERI A. WEBB
MARLIN G. WEICHEL
CYNTHIA J. WEIDMAN
HAZEL E. WRIGHT
DEBRA S. ZINSMEYER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LA RITA S. ABEL
SARAH E. ABEL
DEBBORAH L. ADAMS
LAKISHA N. ALBERTIE
ARTHUR B. ASCANO
JESSICA N. ASTORGA
ERIC P. BAILEY
DANA G. BAKER
ALIDAN A. BANGURA
HEIDI M. BAYORO
HOLLI A. BELLUSCI
JANET L. BLANCHARD
JOSEPH H. BOWLEY, JR.
MELONIE M. BRESCIA
GRETA S. BREWSTER
CATHERINE BURNETT
CINDY L. CALLISTO
STACY N. CARR
MYUNGHEE P. CHOI
JOHN E. CLECKNER II
NICKITA R. COUNCIL
MARY L. CRESWELL
AMY EVANGELINE CROW
ALEJANDRO DAVILA
DANIELLE J. DEUTSCHENDORF
RONDA L. DIMAGGIO
REAH C. DOWNS
SAMANTHA L. DREW
MICHELLE RENEE FAELBER
JULIE FLORENTIN
TOD W. FRAZER II
STACY G. FRIESEN
JENNIFER L. GAYLE
GAYLE M. GILLISPIE
BROOKS B. GOETTLE
ELEANOR M. GONZALEZ
FRANCES A. GONZALEZ
JAMES HANUS
DALE E. HARRELL
MALISHA D. HARRIS
CLINTON J. HARTMAN
CURTIS J. HOOPES
BRENDA A. HOWELL
LINDA K. HUGO
MARLISCHA F. JACKSON
JACQUELINE JOHNSON
YVENA JOSEPH
MARY C. KELLEY
JOSEPH G. KELLY
HUI C. KIM
ANGELA M. LACEK
TAMI A. LACO
COREY C. LALONDE
JOHN P. LAWSON
GARY V. LEAVITT
PAMELA E. LICORISH
JOSHUA J. LINDQUIST
CHRISTY L. LIVERY
ANGELA D. MANNING
SEAN M. MARTS
HAROLD L. MCCANTS, JR.
KATHLEEN A. MCKINNEY
JOHN C. MCLENNAN
ARETHA BONIT MITCHELLMURRAY
KEVIN D. MONAGHAN
DANIEL D. MOORE, JR.
VANESSA MORA
DEANNA M. MORRELL
SAUDAH MUHAMMAD
EARNEST C. MULLEN, JR.
MARK A. NAUMAN
CHRISTOPHER T. NELSON
GERARDO F. NERI
VIVIAN A. NEWPORT
VANESSA R. NORTH
COREY M. NORTON
BRITTANY S. NUTT
NELSON PACHECO
BARBARA E. PARKES
HERNANDEZ D. PEREZ
MEFTER M. PERKINS
PAUL L. PFENNIG
ROBERT L. RAULSTON
MARLENE C. REESE
KATHLEEN R. RODRIGUEZ
DARLENE J. SANCHEZ
KRISTINE B. SCHWARTZKOPF
CHRISTOPHER K. SHAMBLIN
JULIE A. SHEPHERD
RYAN R. SMITHERS
YVONNE L. STOREY
SARAH E. STRANSKE
LAWRENCE E. SULLIVAN
NATASHA T. SUTTON
GLEN W. TACEY
BRADLEY A. TERRILL
JOSEPH D. THOMAS
EDWARD L. TICE
WESTINA E. TOLBERT
SAMANTHA TREADWELL
CARLOS VILLANUEVA
BOSTELLA J. WALKER
BRET A. WATERS
JAMES A. WEST
SHAUN S. WESTPHAL
WENDY H. WILKINS
SEAN O. WILKINSON
KATHY M. WILLIAMS
LEAH M. WILLIAMS
RUSSELL M. WOLBERS
MICHELLE E. WYCHE
MICHAEL J. ZENK

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MICHAEL P. HARRY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOSEPH L. AARON, JR.
RALPH P. AARON, JR.
ELI S. ADAMS
JERROD C. ADAMS
JASON N. ADLER
OKECHUKWU AKALAONU
CAMERON L. ALBERT
MATT M. ALDRICH
DAVID I. ALEXANDER
ERIC B. ALEXANDER
SAMUEL L. ALEXANDER
ALFRED A. ALLARD
DAVID L. ALLEN
SAMUEL R. ALLEN
STEPHEN R. ALLEY, JR.
JESSE P. ANDERSON
MARVIN ANDERSON
BRETT E. ANDRINGA
UZOMA U. ANINIBA
MICHAEL P. ANTECKI, JR.
DANIEL A. ANTOLOS
DANIEL L. ARCHER
JOSE A. ARIAS
LEVAR M. ARMSTRONG
NEIL G. ARMSTRONG
BEAU J. ASHLEY
ANDREW P. ASWELL
RYAN S. ATKINS
JENNIFER L. ATKINSON
PETER M. ATKINSON
JOHN D. ATWELL
ROYAL C. ATWOOD
JARED D. AUCHEY
BRANT A. AUGE
SCOTTY M. AUTIN
MICHAEL B. AVENICK
CESAR A. BACARES
RUSSELL J. BAGLEY
MATTHEW P. BAIDEME
JASON K. BAKER
JOHN M. BAKER
MILES A. BAKER
ROYCE D. BAKER
PETER C. BAKKE
BERNARD A. BALSIS
EDWARD B. BANKSTON
KENTON R. BARBER
BRETT N. BARDO
CHARLES V. BARRETT
BRIAN M. BASSETT
KENNETH W. BATH
CORNELIUS A. BATTS
ANTOINETTE C. BAUCOM
JOSHUA A. BAUER
WILLIAM M. BAYNES
JAMIE D. BAZDARIC
ROBERT K. BEALE
JOHN T. BECHTOLD
ERHAN BEDESTANI
JASON M. BELKNAP
JOSEPH C. BELL
RICHARD R. BELL
BRET M. BEMIS
CARL E. BENANDER
JAMES T. BENNETT
CHRISTOPHER E. BERGE
BARBARA A. BERNINGER
JOHN C. BERTHOLF
JOSHUA M. BETTY
TIMOTHY N. BIBLE
CRAIG C. BIGHOUSE
NICHOLAS J. BILOTTA
BENJAMIN T. BIVER
DOMINIC D. BLACK
JEFF A. BLACKARD
DUSTIN A. BLAIR
JARROD R. BLAISDELL
PAUL H. BLANTON
HECTOR A. BLONDET
JAISON BLOOM
WILSON C. BLYTHE, JR.
ADAM R. BOCK
MICHAEL H. BOGGS, JR.
NICHOLAS P. BOISVERT
GEORGE E. BOLTON, JR.
JOHN A. BOND
BRYAN J. BONNEMA
KRISTINA E. BOWENS
VANESSA R. BOWMAN
JAMES S. BOYETTE
SAMUEL J. BRADFORD IV
JOHN B. BRADLEY
ADAM R. BRADY
JAMES A. BRANCH
JOSHUA P. BRANDON
JAMES E. BRANT
CHRISTOPHER E. BRAWLEY
JEFFREY O. BREWSTER
DEXTER E. BRICKEN
FRANCIS G. BRINK
BRIAN L. BROWN
BROOKE L. BROWN
CHARLES J. BROWN
JORDAN A. BROWN
JOSHUA W. BROWN
KEELEY B. BROWN
LARRY G. BROWN, JR.
MARGIE A. BROWN
MARK E. BROWN
RONALD S. BROWN
TERRY L. BROWN
TOBIN A. BROWN
WILLIAM E. BROWN
CHEREE M. BROWNE
ANTHONY H. BRUNNER
MICHAEL E. BRYANT
MICHAEL T. BRYANT
DON E. BURCH, JR.
CRISPIN J. BURKE
DANIEL J. BURKHART
JENNIFER R. BUTLER
BRIDGET E. BYRNES
JED J. CAFFEE
PHILLIP B. CAIN
EBONY CALHOUN
DAMION M. CALVERT
JOSHUA P. CAMARA
DEREK W. CAMPBELL
JOHN W. CAMPBELL
TRICIA C. CAMPBELL
SALVATORE E. CANDELA
JAMES N. CANDELORA
JASON E. CANNON
MICHAEL J. CANTY
WILLIAM D. CAPPS
MATTHEW C. CAPRARI
THOMAS R. CARL III
MATTHEW C. CARLSEN
CHRISTOPHER L. CARPENTER
JAMES L. CARPENTER
MELVIN L. CARR
ALLAN B. CARROLL
MATTHEW R. CARRUTHERS
JOHN B. CARTER
JOHN R. CARVER
PETER L. CASTERLINE
JUAN C. CASTRO
PATRICK W. CAUKIN
RUDY C. CAVAZOSCAVASIER
STEVEN L. CHADWICK
WALTER S. CHALKLEY

MATTHEW J. CHAMBLESS
DAVID A. CHARBONNEAU
MATTHEW B. CHASE
WILLIAM B. CHASTAIN
ALEXANDER B. CHAVEZ
TIMOTHY C. CHAVIS
RICHARD T. CHILDERS
BRADY R. CLARK
JAMES D. CLAY
MARK J. CLEARY
ROSANNA M. CLEMENTE
CHRISTOPHER L. CLYDE
RUSSELL T. CODY
LEOTIS COKER, JR.
RICHARD G. COLEMAN, JR.
JESSIE R. COLLINS
TIFFANY M. COLLINS
NATHAN M. COLVIN
THOMAS P. COMPITELLO
BRADLEY T. COMRIE
JEREMY L. CONLEY
JOHN J. CONSIDINE
CHRISTIAN G. COOK
DENNIS A. COOK
JAMES D. COOPER
NICHOLAS E. COPARE
MICHAEL D. CORLEY
ROBERT L. CORNELIUS, JR.
ADRIAN CORONAMAGANA
FRANCISCO A. CORTEZ III
LOURDES A. COSTAS
CRAIG S. COTNER
MICHAEL J. COTOVSKY
RICHARD A. COTTE
ADA L. COTTO
DAVID P. COUGHRAN
ANTHONY B. COULTER
GREGORY M. COUTURIER
CHARLES K. COWAN
SAMUEL V. COWART
BOBBY J. COX
PHILIP E. CRABTREE
JAMES L. CRENSHAW
RYAN M. CRIPPS
ROBERT L. CROUSE
ROBERT M. CROWE
ANTHONY B. CRUMBEY
PETER CRUZ
RYAN A. CRYER
FREDERICK M. CUMMINGS
ERIC S. CURRENCE
JOHN D. CWIEK
BRIAN F. CYR
JAMES A. DAHL
JODY J. DAIGLE
DAVID W. DAKE
MARK D. DALEY
RANJINI T. DANARAJ
KIRK J. DANIELS
SEAN C. DANSBERGER
JUSTIN E. DAUBERT
DREW T. DAVIES
COLIN A. DAVIS
ERIK A. DAVIS
GINO C. DAVIS
JOHN R. DAVIS, JR.
KENNETH V. DAVIS
LARINZOL A. DAVIS
RODERICK D. DAVIS
RYAN M. DAVIS
PATRICK M. DEFOREST
DOMINIC P. DEFRANCISCO
OTTO A. DEMARINO
RICHARD S. DEMPSEY
CHRISTOPHER R. DERUYTER
ALFONSO G. DEVEYRA III
DUSTIN R. DEW
ROBERT M. DEXTER
BRIAN T. DIEFFENBACH
ALICIA DIETZ
JOSEPH A. DODD
GERARDO F. DOMINGUEZ
RYAN M. DONALD
WILSON L. DOSSANTOS
BRIAN J. DOWD
JOHN T. DRISCOLL
ADAM M. DRYBREAD
STEPHEN M. DUGAN
PATRICK K. DULING
BENJAMIN R. DUNCAN
RODERICK S. DUPLIN
DAVID M. DURANTE
JESSICA L. DURBIN
ADAM G. DUVALL
VIRGIL G. DWYER, JR.
ANTHONY M. EAGLE
JAMES K. EARLS III
KEVIN M. EASTER
RICHARD E. EATON
NESTOR J. ECHEVERRIA
SHARON M. EDENS
SPENCER G. EDWARDS
RYAN L. EISENHAUER
MYCHAJLO I. ELIASZEWSKYJ
JEREMIAH R. ELLIS
SCOTT L. ENGEL
SHARON ENGELMEIER
RICHARD J. ENGLISH
BRIAN C. ENGLUND
DONALD B. ERICKSON
MICHAEL E. ERLANDSON
MARC B. ESTEPA
JAMES A. ESTES
CARL O. EVANS
JOHN W. EVANS
JONATHAN P. EWING
ROBERT L. EYMAN
BERNARD V. FAIRCLOTH III
MORRIE J. FANTO
JEFFREY R. FARMER
RANDEE L. FARRELL
TIMOTHY A. FAULKNER
JON B. FAUSNAUGH
JASON H. FEES
CLAUDIUS S. FELIX
KENNETH A. FERGUSON
STEPHEN J. FERRARO
SCOTT M. FERRIS
CALVIN L. FIELDS
RICHARD G. FIFIELD
CHRISTOPHER J. FINNIGAN
BRIAN D. FISHER
JANE M. FISHER
MICHAEL E. FITZGERALD IV
ARECIA B. FLENAUGH
REIES M. FLORES
SYLVIA D. FLORES
CARLOS D. FLYNN
PATRICK I. FLYNN
ALEXANDER S. FORD
KENRICK D. FORRESTER
ANTHONY L. FORSHIER
CHRISTOPHER E. FOWLER
NICHOLAS C. FRANKLIN
CARL L. FRIEDRICHS
KEVIN J. FROMM
MELANIE L. FUATA
PAUL M. FUGERE
MICHAEL B. FUNDERBURK
ROBERT K. FURTICK
CAMERON G. GALLAGHER
JASON M. GALLAGHER
JASON C. GALLARDO
VIJAY M. GALLARDO
TROY L. GAMMON
ALONZO GARCIA
ANDRES N. GARCIA
IRENE GARCIA
JUAN R. GARCIA
STEPHEN K. GARDOSIK
RICKY T. GARVIN
MIGUEL S. GASTELLUM
CARY D. GATES
LYNN B. GATRELL
STANLEY J. GAYLORD
AUDREY S. GBONEY
CHRISTOPHER S. GEMMER
MICHAEL R. GERASIMAS
DEMETRIOS A. GHIKAS
EFREM S. GIBSON
ROBERT M. GICHERT
MICHAEL A. GILLISPIE
JEFFREY L. GILTZOW
CHRISTOPHER J. GIORGI
JEREMIAH A. GIPSON
GUY J. GIROUARD
JOHN J. GLASCO
DARREN C. GLENN
JOSHUA G. GLONEK
MATHEW L. GOLSTEYN
SALLY K. GONZALES
JONNY GONZALEZ
MANUEL GONZALEZ
MICHAEL P. GOODWIN
ROBERT N. GORDON
MICHAEL H. GOURGUES
PAUL J. GOYNE
KIRSTEN S. GRAF
CORNELIUS O. GRANAI IV
AARON J. GRANT
JOEL M. GRAVES
JESSE R. GREAVES
MAURICE GREEN
RICHARD W. GREENWOOD
DANIEL A. GREGORY
JOHN A. GROEFSEMA
MARK J. GUELICH
JAY G. GUERRERO
ERIC J. GUST
JOSEPH M. GUZOWSKI
SUZANNE K. GYSLER
KEVIN L. HADLEY
ERIN D. HADLOCK
FREDERIC D. HAEUSSLER
FRED H. HAIR
MICHAEL C. HAITH
TRENTON F. HALL
MICHAEL A. HALTERMAN
ALLISON C. HAMBRECHT
GINGER G. HAMMERQUIST
JOHN J. HAMRIC
WILLIAM F. HANNA
RYAN P. HANRAHAN
ANTHONY R. HANSON
CORRIE A. HANSON
JASON R. HANUS
BRIAN C. HARBER
KARL M. HARNESS
LETETIA M. HARRIS
ERIC S. HARRISON
RYAN J. HARTWIG
SCOT T. HASSKEW
CHRISTOPHER D. HAUN
BRADLEY C. HAYES
BRIAN S. HAYES
EMORY J. HAYES
LEWIS L. HAYNES IV
MICHAEL J. HEALY, JR.
JOSEPH D. HEATON
RYAN C. HEDBERG
WAYNE C. HEINOLD
ALAILIMA R. HENDERSON
ISSAC L. HENDERSON
PAUL F. HENDERSON, JR.
JEFFREY A. HENDRIX
ADAM D. HEPPE
GEORGE J. HERNANDEZ
JUAN A. HERRERA
TODD R. HERTLING
JAMES B. HETTLE
TIMOTHY V. HEWETT
TERRENCE I. HIGGINS
EDDIE R. HILL, JR.
GRANT H. HILL
MELISA N. HILLABRANDT
IDAMARIA L. HILLKJONAAS
ALEXANDRA L. HOBBS
JIM R. HODSON
KARL E. HOEMPLER II
MATTHEW J. HOFMEISTER
AMABILIA G. HOGG
WILLIAM L. HOLBROOK
DARRELL P. HOLDEN
JOSEPH P. HOLLAND
JONATHAN T. HOLM
JEREMY B. HOLMAN
STEVEN C. HOLMBERG
NICHOLAS C. HOLTEN
JASON C. HONEYCUTT
FRANK A. HOOKER
STACY M. HOPWOOD
NICHOLAS W. HORN
DANIEL J. HORST
BRIAN R. HORVATH
EARLY HOWARD
KELLY P. HOWARD
MCLYNN D. HOWARD
NICHOLAS J. HOWARD
SIDNEY D. HOWARD
ROGER E. HUGHEY
RICHARD E. HULL
MICHAEL J. HUMBLE
BILLY J. HUNTSMAN
PETER W. HURGRONJE
ADAM L. HURLEY
JUSTIN P. HURT
JOEY A. HUTTO
JAMEKELA M. ILES
WILLARD H. IMAN, JR.
CHRISTOPHER M. INGENLOFF
MATTHEW J. INGLIS
JOSHUA N. INGRAM
HARRY A. IRVING, JR.
NATHAN T. ISAAC
BENJAMIN E. JACKMAN
GARY K. JACKSON
JAMES D. JACKSON
LACREDERICK R. JACKSON
PRESTON JACKSON
RAHSAAN H. JACKSON
JOSH T. JACQUES
ERIC A. JAMES
ERIC G. JAMES
FRANCISCO J. JAUME
JACOB A. JEFFERS
TROY A. JESUS
BENJAMIN D. JOHNSON
CHARLES F. JOHNSON
JAMES O. JOHNSON
KIMBERLY D. JOHNSON
MICHAEL A. JOHNSON
PHILIP L. JOHNSON
RAMON V. JOHNSON
STANLEY B. JOHNSON
JERRY B. JONES
KIRBY A. JONES
SHANE R. JONES
JOSHUA W. JOPLING
JAMIE O. JORDAHL
JAMES J. JUDGE
JEREMY L. KACZOR
KEVIN C. KAHRE
PATRICK H. KAINE
CHRISTOPHER R. KANE
KEVIN M. KANE
TINA L. KANE
JOEL R. KASSULKE
SCOTT M. KATALENICH
BENJAMIN E. KAVANAGH
STEVEN L. KEIL
HEIVA H. KELLEY
MATTHEW R. KELLEY
PATRICK M. KELLY
RYAN G. KELLY
JASON D. KENT
JOHN A. KERIN
JAMES K. KERNS
JAMES P. KILLORAN
SIMON Y. KIM
KIM C. KING
JOHN R. KIRCHGESSNER
THOMAS J. KITSON
CHRISTOPHER R. KLIEWER
CHRISTIAN D. KNUTZEN
JEROME F. KOLTZ
DAVID M. KOPECKY
PHILIP A. KORNACHUK
RYAN W. KORT
JEFFREY S. KUDARY
MARK KUHAR
ANDREW J. KULAS
JODIE L. KUNKEL
MICHAEL W. KURTICH
ROBERT L. KURTTS
MITCHELL S. KUSMIER
JONATHAN D. LACY
JOSHUA A. LADD
THOMAS J. LAKE
THOMAS E. LAMB
TODD B. LAMB
CHARLENE A. LAMOUNTAIN

CALEB G. LANDRY
RONLESTER L. LANSANG
JONATHAN M. LARMORE
RALPH E. LAUER III
TERRELL C. LAWSON
ALEXANDER B. LAZATIN
MARK M. LEE
MICHAEL W. LEE
ALPHONSE J. LEMAIRE
DAVID W. LEMAY
KELLY C. LEVERETT
CHARLES R. LEVINE
KEVIN R. LEWIS
WILLIAM A. LEWIS
MATTHEW C. LINDSEY
DAVID D. LITTLE
DENISE R. LITTLE
ANGEL M. LLOMPARTMONGE
CLEMENT D. LOCHNER
LECARL B. LOCKLEY
CHRISTOPHER M. LOFTON
MARIO R. LOGLI
JASON D. LOHMAN
MARTIN A. LONGORIA
BRIAN T. LOONEY
ARTHUR P. LOWE, JR.
MELVIN E. LOWE
RICHMOND R. LUCE
NATHAN C. LUECKE
MICHAEL A. LUECKEMAN
VICTOR L. LUNDERMAN
HARRY R. LUPOLD
TIMOTHY B. LYNCH
JOHN R. MACHARRIE
IAN A. MACNAB
PHILLIP D. MADSEN
MATTHEW D. MAGENNIS
MICHAEL L. MAGILL
ROBERT T. MAGILL
MATTHEW L. MAKARYK
JOSEPH E. MALONE
CHRIS B. MANGLICMOT
GEORGE P. MANN
RICHARD MANSIR
TODD B. MARABLE
MICHAEL A. MARCHETTI
MATTHEW D. MARFONGELLI
ERIC S. MARSHALL
WILLIAM D. MARSHALL
NOVA J. MARTIN, JR.
CHARLES T. MARVIN
MATTHEW C. MASON
ANTHONY D. MASSARI
CLARENCE J. MATTHEWS
DARWIN E. MAULL
FRANK F. MAXWELL
JASON J. MCCAMBRIDGE
CARRICK E. MCCARTHY
JOSEPH A. MCCARTHY
ANNE C. MCCLAIN
RANDY L. MCCLENDON
JOHN C. MCCLURKIN
KEVIN MCCORMICK
RAY G. MCCULLOCH
MICHAEL S. MCCULLOUGH
HEATHER R. MCGRATH
SCOTT A. MCGRATH
AUDRICIA D. MCKINNEY
GABRIELLA M. MCKINNEY
MAURICE A. MCKINNEY
PAUL L. MCKINNEY
MATTHEW T. MCMANNES
PAUL M. MCMANUS
GREGORY W. MCMILLION
ROBERT M. MCTIGHE
ERNEST D. MEADOWS
RAUL M. MEDRANO
ERIC MEGERDOOMIAN
FRANZ W. MENTOR
GREGORY J. MERKL
VIRAK A. METCALF
JAMES A. METZ
SAMUEL A. MEYER
BENJAMIN W. MIDGETTE
RINGO L. MIDLES
MICHAEL J. MILAS
BRIAN J. MILES
NICHOLAS D. MILKOVICH
JASON T. MILLER
KAROLYN M. MILLER
MARK P. MILLER
CASEY D. MILLS
MATTHEW R. MINEAR
NATHAN N. MINOTT
KIM A. MITCHELL
CHRISTOPHER A. MOLINO
MATTHEW M. MOLLY
JASON M. MONCUSE
JENNIFER L. MONDIDO
JOSEPH M. MONETTE
RICHARD A. MONTCALM, JR.
BENJAMIN M. MONTOYA
BRADY J. MOORE
DAVID A. MOORE
EZEKIEL MORENO
KEVIN E. MORGAN
TIMOTHY L. MORGAN
PAUL J. MORIARTY
JOSHUA G. MORINO
CHRISTOPHER V. MORO
DANIEL C. MORRIS
JOHN L. MORROW
JACOB K. MOULIN
RUTH A. MOWER
KEVIN E. MUMAW
ALFRED M. MUNA
FRANCIS X. MURPHY
TIMOTHY J. MURPHY
DERRICK D. MURRAY
RAFAEL MUSSEBGIL
MATTHEW E. MYERS
RICKY J. MYERS
MATTHEW E. MYRICK
RYAN M. NACIN
WILLIAM S. NANCE
FRANCISCO C. NAPUTI
DAVID NASH
DAVID J. NELSON
JEFFREY P. NELSON
MICHAEL S. NELSON
PHILIP L. NESNADNY
ROBERT L. NEWBILL
PAUL A. NEWMAN
DAVID B. NIEDERAUER
SAMUEL J. NIRENBERG
DEREK R. NOEL
ERIK C. NORDSTROM
TAMISHA R. NORRIS
CHRISTOPHER P. OBRIEN
ROBIN L. OCHOA
MICHAEL W. ODONNELL
AMOS Y. OH
SAMUEL A. OKOKO
ETHAN A. OLBERDING
CLINT T. OLEARNICK
JEREMIAH J. OLIGARIO
TYLER B. OLIVER
HANIBL OLMEDA
ABRAHAM N. OSBORN
JOHN G. OSTERSON
DANIEL R. OSTROWSKI
THOMAS C. OVERMYER
KENNETH R. OWENS
WILLIAM J. OWENS
ISAAC K. OWUSU
ERIC I. PALICIA
EUGENE W. PALKA
BRIAN D. PANARO
DALE A. PAPKA
JAMES R. PASCOE
SHERRIAN C. PATRICK
BILLY J. PATTERSON
BRIAN N. PATTERSON
KACENIA S. PATTERSON
BRUCE J. PAULEY
JEFFREY L. PAULUS
DAVID A. PAYNE
TIMOTHY D. PEARSON
SHANNON J. PECK
MICHAEL S. PENN
BRANDON K. PERDUE
OSVALDO L. PEREZ
JULIO A. PEREZRIVERA
AHMAD A. PERRY
ANDREW V. PESATURE
ANDREA M. PETERS
DERRICK A. PETERS
NATHANAEL W. PETERSON
ROSLYN M. PETERSON
JOHN F. PETKOVICH III
TRUC T. PHAM
GARY A. PHILLIPS
JOHN M. PHILLIPS
WILLIAM L. PHILLIPS
LEROY J. PHOENIX
DAVID C. PIERSON
STEPHAN J. PIKNER
BRIAN W. PILCH
ANTONIO M. PITTMAN
AUDREY M. PITTMAN
DAVID W. PITTMAN
TODD L. POINDEXTER
RICHARD A. POLEN
ALAIN M. POLYNICE
ADAM F. POOLEY
JASON T. PORTER
JONATHAN F. POST
ANDREW A. POTTS
SIMON J. POWELSON
PAUL A. POWER
JOSHUA S. POWERS
JAMES G. PRADKE
MATTHEW R. PRESCOTT
TAYLOR J. PRESLEY
BLAKE M. PRICE
GREG A. PRICE
NICHOLE L. PROPES
RYAN N. PROPST
ROLAND I. PUGH
ROBIN R. PULLEY
RYAN J. PURSEL
EUGENE C. PURSIFULL
PATRICIA R. QUIGLEY
CARL K. QUINLAN
MATTHEW F. QUINN
PETER D. QUINN
ROBERT P. QUINT, JR.
RENEE E. RAMSEY
MATTHEW J. RARIDEN
ADAM M. RASMUSSEN
DANIEL P. RAYMOND
JAMES F. RAZURI
DONALD K. REED
WALTER A. REED IV
ZACHARY A. REED
ADAM J. REEVES
RYAN T. REICHERT
DUKE W. REIM
JUAN A. RENAUD
KIMBIA A. REY
SHAUN A. REYNOLDS
MARY A. RICKS
MARLON S. RINGO
JONATHAN S. RITTENBERG
JULIO RIVERA
REINALDO RIVERA
RICHARD RIVERA
CORY L. ROBERTS
PAUL E. ROBERTS
RODNEY R. ROBERTS
KELVIN N. ROBINSON
KENDALL A. ROBINSON
JANINE A. ROBINSONTURNER
TRAVIS E. ROBISON
PETER S. RODGERS
MIGUEL RODRIGUEZ, JR.
EDGARD RODRIGUEZRIVERA
ANTHONY M. ROH
JESSIE R. ROMERO
ANDREW R. ROSE
JIMMY M. ROSS
HAROLD D. ROUSE
JOSEPH P. ROZYCKI
JOEL D. RYALS
NICHOLAS D. RYAN
MATTHEW C. SACRA
ANN M. SAGE
JOSEPH D. SAGE
PATRICIA N. SALING
VICTOR S. SALYER
BRIAN A. SANSOM
DANIEL SANTOS
MICHAEL A. SARRO
TIMOTHY E. SARTORI
AARON D. SARVER
EDWARD B. SAUTER
KEEFE A. SAVIN
PETER V. SCHMITT
BRIAN H. SCHONFELD
KEITH A. SCHRECKENGOST
LAURA M. SCHROEDER
JEREMY J. SCHWENDEMAN
ARON G. SCOTT
CHRISTOPHER J. SCOTT
ROBIN N. SCOTT
RYAN J. SCOTT
KENNETH P. SELBY
PHILLIP J. SERPICO
MICHAEL W. SERVER
SHANNON W. SHACKELFORD
CHRISTOPHER A. SHARPE
DOMINIQUE J. SHAW
PETER J. SHAW
HOUSTON B. SHEETS
JEFFREY M. SHELNUTT
HARRY L. SHERWOOD
LAURA E. SHIPLET
SCOTT A. SHOOP
LEAH C. SHUBIN
BENJAMIN L. SHUMAKER
KEVIN W. SIEGRIST
TIMOTHY J. SIKORA
JONATHAN E. SILK
WARREN O. SIMMONS
RANDY C. SIMON
JOSEPH E. SIMS
JOSEPH M. SINCERE
NICHOLAS C. SINCLAIR
ERINN C. SINGMAN
JASON R. SINN
JOHN C. SIVLEY
KIM M. SLADEK
FRANKLIN P. SLAVIN III
CHARLES V. SLIDER
ARCHIE L. SMITH
BRADLEY J. SMITH
ERVIN D. SMITH
JAY K. SMITH
JOHN A. SMITH
MATTHEW J. SMITH
MICHAEL A. SMITH
NATHAN J. SMITH
ROBERT J. SMITH
SCOTT R. SMITH
TERRENCE N. SMITH
CARTER M. SMYTH
JASON S. SNELGROVE
DANIEL P. SNOW
JAMES M. SNOWDEN
JAVIER E. SOSTRECINTRON
STACY R. SOUTTER
MICHAEL V. SOYKA
DAVID M. SPANTON
LUCAS SPARKS
JASON G. SPENCER
BERNDT F. SPITTKA
COLE A. SPITZACK
LLOYD E. SPORLUCK
ADAM C. SPRINGER
DANIEL J. SQUYRES
STEVEN J. STANEART
JAMES T. STARTZELL
SCOTT D. STEELE
DUANE G. STEFANIAK
RICHARD T. STEINBACHER
KRISTIN E. STEINBRECHER
PATRICK M. STEVENS
TERRY W. STEVENSON
TARA M. STILES
WAYNE L. STILES
DANIEL W. STOCKTON
GALEN D. STONE, JR.
JEFFREY B. STONE
ARTHUR T. STRINGER
DANIEL R. STUEWE
THOMAS B. STURM
MICHAEL J. STUTTS
MATTHEW W. SUCEC
CHRISTOPHER M. SWICKARD
DERRICK J. SWIM
JOSEPH D. SWINNEY

MARVIN E. SWITZER, JR.
NICHOLAS R. TALBOT
CHRISTOPHER S. TALLEY
TODD A. TATUM
ISAAC L. TAYLOR
JASON M. TAYLOR
JAY A. TAYLOR
JOSHUA D. TEITGE
STEVEN B. TEMPLETON
CHRISTOPHER D. TERRILL
PAUL J. THIESSEN
CARLA A. THOMAS
CHRISTOPHER D. THOMAS
HANS J. THOMAS
MARLON A. THOMAS
RUSSELL B. THOMAS
JOHN D. THOMASON
ANTHONY R. THOMPSON
DALTON W. THOMPSON
DAVID T. THOMPSON
KRISTOFER J. THOMPSON
MICHAEL R. THOMPSON
NICHOLAS R. THOMPSON
CASEY H. THOREEN
BRANDON E. THRASHER
DANIEL S. THRELKELD
JEREMY M. TILLEY
JOHN C. TISSERAND
WENDY R. TOKACH
KEVIN E. TOMS
JAMES E. TOWLE
TRAVIS I. TRAMMELL
JEREMY W. TRENTHAM
MICHAEL J. TRUJILLO
DAVID S. TURNER
JOHN D. TURNER
RYAN M. TURNER
ERICA J. TYE
CLINTON B. UNDERWOOD
TIMOTHY P. UNGARO
CURTIS J. UNGER
ERNEST M. URQUIETA
JAN R. URSO
NICHOLAS M. UTZIG
MATTHEW R. VANGILDER
BRYAN R. VANRIPER
PEDRO E. VAZQUEZ
JAMES S. VCHULEK II
RYAN L. VENEBERG
RONALD T. VERNON
THOMAS J. VETTER
MELISSA A. VIATOR
ADRIAN VILLA
JASON T. VINCENT
AMANDA M. VIOLETTE
RICKY L. VITTITOW, JR.
DANIEL J. VONBENKEN
JAMES W. WADE
JOSEPH B. WAID
PATRICK M. WALKER
CHRISTOPHER E. WALSH
OLIN L. WALTERS
ROGER A. WANG, JR.
ELIJAH M. WARD
STEPHEN P. WARD
PHILLIP S. WARREN
JASON B. WASHBURN
MICHAEL S. WASHBURN
DAVID E. WATERS
JOHN N. WAUGH
JESSICA C. WAYMENT
ELIZABETH A. WEAVER
TONY G. WEAVER, JR.
DAVID A. WEBB
ADAM C. WEECE
ERIC J. WEEKS
PEDER WEIERHOLT
BRIAN H. WEIGHTMAN
ALEXANDRE E. WEIS
DAVID M. WEISING
JAMES P. WELCH
GREGORY B. WELLS
CHRISTOPHER S. WENNER
RICHARD W. WERTZ III
KYLE D. WHEELER
JACOB E. WHITE
ROHN P. WHITE
WILLIAM G. WHITE
JACOB A. WHITESIDE
CRAIG R. WHITING
STEVEN L. WHITMORE
ANTHONY J. WHITTAKER
BRYAN S. WHITTIER
JOSEPH S. WIER
ERIC M. WIGLEY
BENJAMIN B. WILLIAMS
CARLIE A. WILLIAMS, JR.
CRISTINA WILLIAMS
DAVID G. WILLIAMS
EDWARD E. WILLIAMS
JOHN M. WILLIAMS, JR.
KEITH R. WILLIAMS
WESTON T. WILLIAMS
JEREMIAH J. WILLIS
TAMEKA R. WILSON
RAYMOND D. WINDMILLER
JASON M. WINGEART
BRIAN R. WINKELMAN
CONOR M. WINSLOW
JEFFREY R. WINSTON
LUKE A. WITTMER
SARAH R. WOLBERG
CHRISTINE T. WOLFE
GABRIEL M. WOLFE
JEFFREY J. WOLFE
ROBERT W. WOLFENDEN
MATTHEW L. WOLVERTON
JASON C. WOOD
JERRY L. WOOD, JR.
ROBERT A. WOOD
ROBERT S. WOOD
GUY F. WORKMAN
SHANNON R. WORTHAN
ADAM WOYTOWICH
NICHOLAS A. WRIGHT
ABDUL R. WURIE
JONATHAN T. YASUDA
MARK M. YEARY
AARON YOUNG III
ARTHUR G. YOUNG
CRAIG M. YOUNG
PETER C. ZAPPOLA, JR.
BRYAN C. ZESIGER
ROMAS J. ZIMLICKI
KURT P. ZORTMAN
JOSEPH V. ZULKEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S. CODE, SECTION 531:

To be commander

VALERIE R. OVERSTREET

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

NADESIA V. HENRY
RONALD W. PERDUE
SHOLI A. ROTBLATT
JOHN A. SALVATO

CONFIRMATION

Executive nomination confirmed by the Senate May 4, 2011:

THE JUDICIARY

JOHN J. MCCONNELL, JR., OF RHODE ISLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF RHODE ISLAND.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on May 4, 2011 withdrawing from further Senate consideration the following nomination:

RYAN C. CROCKER, OF WASHINGTON, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2012, VICE PENNE PERCY KORTH, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON FEBRUARY 17, 2011.

EXTENSIONS OF REMARKS

HONORING THOMAS SAMUEL STEPHENS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize the life of Thomas Samuel Stephens of Cameron, Missouri. Thomas' achievements and service, both to his country and his community, were great and we are indebted to him for his sacrifices.

Mr. Speaker, Thomas Samuel Stephens was born on June 8, 1918, in Temple, Texas, to his parents, Lessie and Rufus Stephens. On January 14, 1944, Thomas had the fortune of marrying the love his life, Euclid Elizabeth Stockton, at their church in Temple, Texas. Together they raised one daughter, Patti Jane. Thomas passed away on December 2, 2010, in Kansas City, Missouri.

Mr. Speaker, Thomas was a true patriot. He served in the 80th Infantry Division, 3rd Army, 319 Regiment C Company, 4th Platoon under General George Patton from August 26, 1943 to March 29, 1946. He received the Purple Heart, EAME Campaign Medal with one Bronze Service Star, an American Theatre Campaign Medal and a Victory Medal, as well as a Sharpshooter and Rifle pin.

Mr. Speaker, after being honorably discharged, Thomas received his Masters Degree and taught at the University of Texas A&M in the Horticulture Department from 1948–1953. Thomas then spent the rest of his career working for the United States Department of Agriculture's Agriculture Research Service, actively engaging in food and food storage research that is used in the food products we enjoy in every grocery store today.

Mr. Speaker, in addition to Thomas' patriotism and contributions to agriculture in the United States, Thomas also had a passion of enjoying God's world by fishing, campaigning and planting trees. Thomas was active in his church and enjoyed singing, having been a part of the first group of Singing Cadets at Texas A&M. Thomas deeply loved his family.

Mr. Speaker, I ask that you join me in honoring the life of Thomas Samuel Stephens. I am truly grateful for his service to our country and his contributions to agriculture.

IN RECOGNITION OF MARCUS HIGH SCHOOL FOR WINNING THE BOYS BASKETBALL 5A UIL STATE CHAMPIONSHIP

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. BURGESS. Mr. Speaker, I rise today to recognize Marcus High School in Flower Mound, Texas. The Marcus varsity boys' basketball team won the 5A UIL State Championship. The Marcus Marauders beat Garland Lakeview, 40–38, in the final to finish the season 39–1. Led by Head Coach Danny Henderson, these young men are exemplary representatives of their school and should be very proud of what they have accomplished.

This is not the first time I have had the pleasure of highlighting the accomplishments of Marcus High School, and I have a sneaking suspicion that it will not be the last. With the level of teamwork and perseverance that is present in this North Texas high school, it is no wonder that they are an ''Exemplary Campus''.

It is inspiring to recognize such ambitious young student athletes who are making a positive impact in our community. I am pleased to have the opportunity to represent these young men, and their classmates and teachers in the U.S. House of Representatives. Congratulations on being the 5A UIL Boys Basketball State Champions.

IN RECOGNITION OF LOIS GERAGE-LAMB

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. SESSIONS. Mr. Speaker, I rise today to recognize Lois Gerage-Lamb, a dedicated educator at Lakewood Elementary in Dallas, Texas who is retiring this year.

After moving to Lakewood in the early 1980s, Lois joined the staff at Lakewood Elementary in 1987. Her twenty-four years of service speak loudly of her patience, dedication, and passion for teaching. Both of my sons, Bill and Alex, had the privilege of having Lois as their teacher. Her commitment to providing students with a quality education was evident in her work ethic and enthusiasm. Known for her upbeat personality and ''can-do'' philosophy, Lois has instilled confidence in her students and inspired them to reach for their dreams.

Outside of the classroom, Lois is a well-known community leader. She currently serves as the President of Little People of America, Inc. (LPA), a national advocacy and support group for dwarfs and their families. In this capacity, she has oversees the 6,000 member organization and works tirelessly to raise awareness. Lois is a demonstrated leader with tremendous strength and great fervor and compassion.

She will be greatly missed at Lakewood Elementary. I am thankful for dedicated educators like Lois and for the positive impact they have on our children. Mr. Speaker, I ask my esteemed colleagues to join me in recognizing Lois for her service. I wish her all the best in her future endeavors.

CONGRATULATING THE 2011 NCAA DIVISION II WOMEN'S CHAMPIONS CLAYTON STATE UNIVERSITY

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I stand before you today to honor the Clayton State University Women's Basketball Team for winning the 2011 NCAA Division II National Championship. The Lady Lakers defeated the Michigan Tech Huskies 69-50 in a game that gave Clayton State its first national championship. Clayton State ended the season with a 53-1 record and the number one ranking in the USA Today/ESPN Division II Coaches' Poll.

These young women have demonstrated a tremendous amount of hard work, perseverance and sportsmanship. There is no doubt that this team will serve as excellent role models for young women and future athletes everywhere.

Coach Dennis Cox also deserves to be recognized for his critical role in leading Clayton State to victory. He was recently named the 2011 Schelde North America/Division II Bulletin Coach of the Year and the Women's Basketball Coaches Association Coach of the Year.

My fellow colleagues please join me in honoring Coach Cox and the Clayton State Lady Lakers for an outstanding year.

REPEALING MANDATORY FUNDING FOR STATE HEALTH INSURANCE EXCHANGES

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1213) to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges:

Ms. SCHAKOWSKY. Mr. Chair, I rise in opposition to H.R. 1213.

This bill would eliminate funding for a key component of the Affordable Care Act's coverage expansion—the State-based health insurance Exchanges.

The Exchanges are the chief vehicle through which we will give millions of individuals and small businesses—currently locked out of the market—access to affordable coverage.

The Affordable Care Act provides each State with the flexibility to design its own Exchange—tailored to meet the needs of its residents, strengthen the private insurance market, and provide consumer protections.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

This bill repeals the funding for the Exchanges and eliminates that flexibility.

Repeal would deny Illinois and every other State the funding needed to setup a unique State solution for improving and fixing broken insurance markets.

This bill undermines the work already being done in Illinois and, given the State budget situation, will likely mean Illinois would be unable to run its own State-based health insurance Exchange.

In September, Illinois received a $1 million grant to begin planning and establishing its Exchange.

Without funding to move to implementation, we won't have the resources to get our Exchange up and running and millions of Illinoisans will lose access to affordable, adequate health insurance coverage.

HONORING THE LIFE OF MAYOR DEBORAH DUNCAN DuBOIS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the life of Deborah Duncan DuBois, who passed away on April 30, 2011. Mrs. DuBois, known to family, friends and admirers as ''Desca,'' was serving her second term as Mayor of the Town of Lake Park, Florida at the time of her death, having been re-elected without opposition. Mayor DuBois loved her town and Lake Park citizens loved her. Her dedication to good government was made clear by her longtime service on the town's Code Compliance Board, including six years as its chair, and her work with the Florida League of Cities. She also served on the League of Mayors and as one of the Palm Beach County League's Legislative Voting Delegates. Lake Park residents are also indebted to Mayor DuBois for helping to establish the local Historical Society, serving as its volunteer President for several years.

A native of Barnwell, South Carolina, Desca DuBois attended the University of South Carolina on a theater scholarship. She also studied at the Columbia Museum School and, most recently, attended Palm Beach Community College, where she was accepted to the Honor Society. Mayor DuBois was a professor at the prestigious American Academy of Dramatic Arts in New York City, where she taught stage and theatrical movement. During her career, she also worked with the Educational TV Network in South Carolina and appeared on CBS Network Morning News.

Among her many talents, she was known as an accomplished artist, having presented a dozen solo art exhibits and participated in 34 group art shows. She was proud to have individual mural and major group mural projects in her curriculum vitae.

Mr. Speaker, Deborah Duncan DuBois was a truly remarkable lady who represented everything that is great about America. She was a credit to her town, my district and our nation. Her absence will be felt by everyone who appreciates good government, the arts and devotion to making our world a better place.

HONORING THE LIFE OF PRIVATE BRANDON T. PICKERING

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. DAVIS of Kentucky. Mr. Speaker, today I rise to pay tribute to Private First Class Brandon T. Pickering, from Ft. Thomas, Kentucky, who lost his life on April 10, 2011 from wounds he suffered while fighting enemy forces in Wardak Province, Afghanistan on April 8th.

A 2008 graduate of Highlands High School, Brandon joined the Army in September 2009.

After completing basic training at Fort Benning, Georgia he was assigned to the 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, based in Fort Polk, Louisiana. He deployed with his unit to Afghanistan in October of 2010.

His awards and decorations include: the Bronze Star, the Purple Heart, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Army Good Conduct Medal, the NATO Medal and the Combat Infantryman Badge.

Today, as we celebrate the life and accomplishments of this exceptional Kentuckian, my thoughts and prayers are with Brandon's family and friends, especially his parents.

We are all deeply indebted to Brandon Pickering for his service and his sacrifice. By giving his life for the freedom of others, we are reminded of the great price at which our freedom is preserved.

TRIBUTE TO JIM BAILEY

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. OWENS. Mr. Speaker, I rise today to celebrate the career of Jim Bailey, who has served the City of Plattsburgh, New York for almost two decades the city's historian. Jim stepped down from his post in April last month.

Jim has both kept and contributed to the history of the city of Plattsburgh—and our region as a whole—for almost two decades. A native of Elizabethtown, he is a true product of the North Country. After graduating from SUNY Albany, Jim taught at Beekmantown Central School for more than a decade and also served as an adjunct professor in Mathematics at Plattsburgh State.

Jim's dedication to his community is shown every day through his professional and personal relationships. He is well regarded throughout Clinton County and is spoke of highly by everyone he knows.

Through his steadfast resolve and dedication to preserve the past events of the City of Plattsburgh, Jim Bailey has become a part of its history.

Mr. Speaker, I rise today to express my gratitude and congratulations to Jim Bailey upon his retirement as the history of the City of Plattsburgh for his years of service to those around him.

REPEALING MANDATORY FUNDING FOR SCHOOL HEALTH CENTER CONSTRUCTION

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction:

Mr. BLUMENAUER. Mr. Chair, I voted against H.R. 1214, which would repeal the grants for the construction and expansion of school-based health centers. The Affordable Care Act included funding to expand school-based health programs across America so that we can provide better care for our children. Students who are healthy are ready to learn.

School-based health centers provide our children with quality, comprehensive care that includes mental health services, social services and preventative care. A survey conducted by the National Assembly on School-Based Health Care found that when properly funded, school-based health centers help fill the gap in access to health services, especially for rural and underserved populations.

These centers are accountable to their communities through an advisory board made up of local representatives, family organizations and parents. These programs bring health care to our kids and provide service without concern for whether or not they can afford it.

In my state of Oregon, we are part of the School Mental Health Capacity Building Partnership to examine and improve mental health programs to be used in school-based health centers. As an early-adopter state for these centers, Oregon was selected to be one of four states to lead the way on this research. This important work, focused on tailoring mental health care to better meet our children and youths needs, relies on the school-based health center funding and will be jeopardized by this legislation.

H.R. 1214 would prevent us from investing in our children and driving down future health care costs. At the start of this Congress, the only alternative the Republicans offered to the Affordable Care Act was a repeal-and-do-not-replace approach that is irresponsible at best.

The Affordable Care Act is not perfect, but Congress should be focused on implementing the Act, and refining—not repealing—its provisions. I oppose this legislation.

HONORING WILLIAM DOTSON—WEST VIRGINIA AFFORDABLE HOUSING HALL OF FAME INDUCTEE

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. RAHALL. Mr. Speaker, I rise today to recognize a fellow West Virginian, William Dotson, who is the honored inductee of the West Virginia Affordable Housing Hall of Fame.

It is fitting that the community of housing professionals honor Bill because of his sterling

record of commitment to our communities. He has earned the right to take pride in his holistic view of building a team in the office, and his successful planning gives us equal license to be proud of the many neighborhoods enhanced and communities strengthened by his vision.

Much more than an excellent public administrator, Bill pushed budgets and programs to fruition on little more than compassion and hope, and in the end, the course of people's lives were forever changed. His resume of experience and professional participation exhausts the reader, but it pales in comparison to the individuals and families to whom he provided dignity and proved the worth of the human endeavor.

Too often words like ''commitment'' and ''dedication'' and expressions such as ''long hours of hard work'' are bantered about, and then we meet someone with Bill's achievements. Words seem hardly enough.

Yet, what the public sector lacks in volume—namely money—it easily makes up for in heartfelt thanks. While Bill cannot cash it in any earthly banks, he can invest it here on a nice-sized spread that awaits him through the Pearly Gates.

And, while the poet could easily honor Bill as ''the friend of man,'' our great honor is to call him our friend, and offer him sincere congratulations.

COMMEMORATING HOLOCAUST REMEMBRANCE DAY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Ms. SCHAKOWSKY. Mr. Speaker, I rise to commemorate Holocaust Remembrance Day, or Yom Hashoah, and to pay tribute to the men, women, and children murdered by the Nazis during the Holocaust.

This week, we pause to join in solidarity with people around the world to remember one of the darkest chapters in human history. During the Holocaust, six million Jews were killed, and countless others were brutalized, raped, dehumanized, and robbed. The world pledged ''Never Again'' would such a tragedy be allowed to occur, but over sixty years later we continue to fight anti-Semitism and other forms of hatred and intolerance, even genocide.

The Days of Remembrance hold a deep meaning for me, as a Jew, and for my community. My district, the 9th Congressional District of Illinois, is home to one of the largest concentrations of Holocaust survivors in the country. An estimated 3,500 Holocaust survivors live in the Chicago area, including the Village of Skokie, which boasts a vibrant Jewish community built by survivors in the 1940s and 50s. The community recently celebrated the opening of the new Illinois Holocaust Museum and Education Center, a state of the art facility dedicated to preserving the memory of the Holocaust.

This year, we also mark the 65th anniversary of the verdicts at the first of the Nuremberg trials, as well as the 50th anniversary of the trial of Adolf Eichmann. By holding the perpetrators of genocide legally accountable for their heinous crimes, those trials were defining moments in the evolution of international justice. The trials also produced a comprehensive record of the Holocaust by collecting both documentary evidence and survivor testimony.

In a world where genocide and other massive violations of human rights are far too prevalent, it is critical that we preserve the history of the Holocaust and the memories of survivors and other witnesses. This week, we pause to remember all those who perished, honor those who survived, and redouble our pledge to fight genocide, intolerance, and persecution wherever they occur.

HONORING AUSTIN HEYMAN

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. VAN HOLLEN. Mr. Speaker, I rise today to recognize a longtime advocate for seniors and intergenerational programs, my constituent and friend Austin Heyman.

A delegate to two White House Conferences on Aging, Austin has had a long and distinguished career in service to our community and nation. His visionary leadership in Montgomery County, Maryland led to his founding of Interages, a non-profit organization that seeks to build bridges and relationships between generations. Interages' intergenerational programs have brought children and older adults together for 25 years. Indeed, since its founding in 1986, thousands of children and isolated older adults from senior facilities have benefited from participation in its programs, allowing dedicated and caring older adult volunteers and tutors, who are the heart of Interages, to make a significant difference in the lives of children. Austin served as Interages' Director from 1986–1997. His effect on countless lives cannot be overestimated.

In addition to his work with Interages, Austin has been deeply involved with numerous community groups, working on educational and youth issues. The list of leadership positions he has held is a lengthy one, and includes his service as the first Chair of the Montgomery County Commission on Children and Youth, President of the Montgomery County Council of PTAs, member of the Maryland Task Force on Guidance and Counseling, founding board member and Vice-Chair of the Volunteer Partnership Montgomery and Co-Leader of the John Macy Leadership Seminar. He has served on the Retired Seniors Volunteer Programs Advisory Council and the Community Relations Committee of the Montgomery County Chamber of Commerce.

Austin's contributions to our community have earned him numerous honors. He received the Award for Distinguished Service to Public Education from the Montgomery County Board of Education and the Montgomery County Paths of Achievement Award. Austin was inducted into the Montgomery County Human Rights Hall of Fame in 2008 and the Maryland Senior Citizens Hall of Fame in 2009.

Austin has served as the moderator for two county cable television programs—''Seniors Today'' and ''Montgomery Citizens Agenda.'' He initiated the Vital Living Initiative in 1999 and currently chairs the Montgomery County Vital Living Steering Committee. In 2001 he proposed the creation of a Senior Leadership Montgomery class; his proposal was implemented by Leadership Montgomery in 2002.

Early in his career Austin served as an attorney with a private law firm in New York City, which was followed by a distinguished career with the United States Agency for International Development. At USAID, he represented the United States on the Development Assistance Committee of the Organization for Economic Cooperation and Development in Paris. Austin earned undergraduate and law degrees from Harvard University, a Master's degree in International Public Policy from John Hopkins and a Certificate from the Academy of International Law at The Hague.

Austin's contributions and passions are numerous, but his commitment to our senior citizens rises above all else. Austin believes that our communities must prepare for the aging of its residents and be communities ''for all seasons of our lives.'' He sees seniors as an invaluable resource in our midst to be embraced as volunteers to mentor youth and to share the skills and knowledge accumulated over a lifetime to benefit our community. Austin has dedicated his efforts to ensuring that our senior citizens can age with dignity, purpose and quality of life.

Austin is the father of David and Stephen and grandfather of Madeline, Henry, and Miles. His wonderful wife Barbara, to whom he has been married for many years, shares Austin's commitment to community service.

Mr. Speaker, I invite my colleagues to join me in expressing my gratitude to Austin Heyman for his outstanding service.

REPEALING MANDATORY FUNDING FOR SCHOOL HEALTH CENTER CONSTRUCTION

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction:

Mr. DAVIS of Illinois. Mr. Chair, I make a motion to strike the last word. I oppose H.R. 1214, a bill that would repeal mandatory funding for school-based health centers construction.

Funding for the school-based health centers will ensure that nearly 2 million children and adolescents across the country will have access to quality comprehensive medical care, mental health services, oral health services, preventive care, social services, and youth development. These centers typically help children and adolescents who often do not have access to family doctors of their own.

School-based health centers have demonstrated their successes and accomplishments in attracting harder to reach populations, especially minorities and males and providing crucial services such as mental health care and high-risk behavior screens. Some analysts have reported that 10 out of 21 adolescents were more likely to come to school-based health centers for mental health services than other types of health facilities.

When students have access to health centers to receive counseling, they are less likely to miss school or be tardy to class versus those students who do not receive access to similar services.

Students perform better in school when they are healthy and ready to learn. Our school-based health centers are cost effective and provide an ideal setting to administer preventative health care to children. Several research studies have shown that school-based health centers help in reducing Medicaid expenditures related to inpatient, drug, and emergency room use, and improvements in health outcome. It is important that we remain committed to funding these health centers and provide the necessary investments in our children and our nation's health.

I urge all my colleagues to vote no on H.R. 1214.

PERSONAL EXPLANATION

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Ms. FOXX. Mr. Speaker, yesterday (5/3/11) during consideration of H.R. 1213, a bill to repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges, I stepped away from the House floor to speak with a constituent and inadvertently missed a vote (roll No. 283) on the Ellison of Minnesota Amendment No. 3 (H. Amdt. 262). If I had been present, I would have voted "no."

HONORING PAUL SCUPHOLM

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to honor the extraordinary life of Paul Scupholm and mourn him upon his passing at the age of 76.

Born on January 8, 1935, Paul Scupholm attended Detroit Cooley High School and graduated in 1953. Paul served as a Congressional Aide to Representative Jack McDonald from 1967 through 1973, was Executive Director of Friends of Detroit Public Library and a board member of the Redford Library. He was the founder of the Redford Soccer Club. Paul Scupholm spent many hours making wooden toys to be donated to several children's hospitals.

Regrettably, on April 30, 2011, Paul Scupholm passed from this earthly world to his eternal reward. He is survived by his beloved wife, Lois, and his children, Brad, Jeff, Greg and Jennifer. A devoted brother to sister Rosemary, Paul leaves a legacy in his grandchildren Lindsey, Stephanie, Vicki, Barbara, Beth, Mackenzie, Lexi, Trevor, Tessa, Brady, Olivia, Kaden and Ava. A courageous and honorable man, Paul will be sorely missed.

Mr. Speaker, Paul Scupholm is remembered as a dedicated husband, a compassionate father, devoted brother, concerned leader and a friend. Paul was a man who deeply treasured his family, friends, community and his country. Today, as we bid Paul farewell, I ask my colleagues to join me in mourning his passing and honoring his unwavering patriotism and service to our country and community.

HONORING PRESIDENT GERALD FORD

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. LEVIN. Mr. Speaker, this week, we honor a highly distinguished citizen of the State of Michigan and recognize his service to the people of the United States—Gerald Ford.

Gerald Ford is a Michigan legacy and a model for those called to public service. He served with distinction in World War II aboard the U.S.S. *Monterrey*. In 1948, he was elected to the House of Representatives, where he served with integrity for twenty-five years. And in 1974, during one of the darkest moments in U.S. history, Gerald Ford served as the 38th President of the United States, unifying the Nation during a notable time of divisiveness and uncertainty. Now, it is especially fitting that we honor President Ford's legacy.

On behalf of the people of the United States, we accept from the citizens of Michigan a statue of President Ford for placement in the U.S. Capitol. From this day forward, countless visitors from around the globe will come to the Nation's Capitol each year and be reminded of President Ford's courage and strength—those characteristics which helped to heal a divided Nation and bring us together. The statue will be displayed as part of the prestigious and historic national Statuary Hall collection for years to come.

President Ford has left us a rich legacy. As we accept President Ford's statue in the U.S. Capitol on behalf of the citizens of the United States, I hope all of us here will honor him by reflecting upon his legacy.

REPEALING MANDATORY FUNDING FOR SCHOOL HEALTH CENTER CONSTRUCTION

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 3, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1214) to repeal mandatory funding for school-based health center construction:

Ms. SCHAKOWSKY. Mr. Chair, I rise in opposition to H.R. 1214.

School-based health centers are a critical component of our nation's health care safety net.

More than 1,900 school-based health centers across the country provide access to care to nearly two million students.

Centers in high schools in my district like Maine East, Evanston Township, and Sullivan and Senn in Chicago, ensure that students can get access to primary, mental, and dental health services.

School-based health centers are often the only source of health care for many children and adolescents who would otherwise go without needed services, and services are provided regardless of students' ability to pay.

They offer treatment to students who lack insurance or whose parents are unable to take time off work to take them to the doctor. They keep children from missing school, and they ensure that children's health care needs are met.

Studies have shown that school-based health centers decrease emergency room visits and Medicaid expenditures while improving grades, school attendance, and graduation rates.

The Affordable Care Act provides grants for construction, renovation, and equipment for school-based health centers to increase access—this bill denies access.

If we are concerned about providing our children with access to health care—we must reject this bill.

RECOGNIZING THE ONGOING DEMOCRATIC TRANSITION OCCURRING IN THE KYRGYZ REPUBLIC

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. BURTON of Indiana. Mr. Speaker, I rise to recognize the ongoing democratic transition occurring in the Kyrgyz Republic. This transition began in April 2010 when former President Kurmanbek Bakiyev fled the capital as a result of mass protests over his regime's corrupt and repressive rule. Less than a month after taking power, the interim government of President Roza Otunbayeva formed a commission to draft a new constitution. The constitution produced by this commission was overwhelmingly passed by a national referendum and will take effect after elections are held in December of this year.

Monitors from the Organization for Security and Cooperation in Europe reported that the October 2010 election to fill the 120 seats of the country's legislature, the Jorgorku Kenesh, "constituted a further consolidation of the democratic process and brought the country closer to meeting its international commitments on democratic elections." I applaud this achievement and accept the view of Morten Hoglund, head of OSCE observer mission, that "this election reflected the will of the people of the Kyrgyz Republic."

I, along with some of my colleagues, was honored to meet President Otunbayeva when she visited Washington in March to accept the State Department's 2011 International Women of Courage Award. President Otunbayeva deserves this award not only for her leadership in a time of crisis, not only for being the first female Head of State of a Central Asian nation, but foremost for her promotion of a constitution that recognizes her status as an interim leader and prohibits her from running for reelection. President Otunbayeva repeated her intention to step down during our conversation. I believe this willingness to allow the democratic process to move forward is the true sign of the President's courage.

Despite the existence of a new constitution and the upcoming election, the Kyrgyz Republic's democratic transition is not complete.

President Otunbayeva's government, as well as the government of her successor, must continue to fully investigate incidences of violence in the southern part of the country and to prosecute those responsible. In addition the government of the Kyrgyz Republic must continue to work with the Organization for Security and Cooperation in Europe to reform its law-enforcement agencies to ensure that these agencies are properly trained to prevent and respond to incidents of violence.

The Kyrgyz Republic is a key ally in the fight against terrorism. The country declared its support for the United States immediately after September 11, 2001 and quickly granted the United States access to Kyrgyz airspace in support of counterterrorism operations in Afghanistan. Since December 2001, the Manas Transit Center located at Manas International Airport near Bishkek has served, according to the U.S. Air Force, as the ''premier air mobility hub supporting military operations in Afghanistan.'' In addition to serving as a key transit point for personnel and materials moving into Afghanistan, the Manas Transit Center supports aerial refueling and medical evacuation operations. I applaud President Otunbayeva's continued support for the Transit Center and call on her successor to honor the agreement made between the United States and the Kyrgyz Republic in 2009 that guarantees American use of the facility through 2014.

Under the leadership of President Roza Otunbayeva, the Kyrgyz Republic is moving in the right direction; however, the country's democratic transition must continue. I call on the government of President Otunbayeva and the Kyrgyz people to continue developing strong institutions that uphold the fundamental rights of all citizens and residents of the Kyrgyz Republic and to hold free and fair presidential elections in December.

PERSONAL EXPLANATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. LARSON of Connecticut. Mr. Speaker, on Tuesday, May 3, 2011, I missed rollcall vote 283. Had I been present, I would have voted ''yes'' or ''aye.''

A TRIBUTE IN HONOR OF JOHN KELLY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary contributions of John Kelly, an outstanding humanitarian and former Executive Director of Samaritan House in San Mateo, California. Samaritan House is honoring John Kelly at its May 7th Gala for a lifetime dedicated to helping the least among us.

John Kelly grew up in the community he watches over. A San Francisco native, he earned a Master's Degree in Theology from the University of Notre Dame and a Master's Degree in Psychology from Berkeley's Graduate Theological Union. He spent 25 years as a Catholic priest and nearly two decades teaching at Serra and Menlo Atherton High Schools.

In 1985, Samaritan House hired John Kelly to unite a San Mateo City Information and Referral Agency for low-income residents, with a free meal program. Under John Kelly's fifteen years of unparalleled leadership, Samaritan House expanded to include many new programs and help many more people in need, including a 90-bed shelter, free medical clinic, food pantry, clothes closet, and holiday assistance. They offer classes in learning English, household budgeting, nutrition, and parenting skills. Today, more than 3,000 volunteers help Samaritan House provide more than 12,000 San Mateo County residents with free food, clothing, and counseling. Primarily relying on private donations, Samaritan House proudly models its services on the idea of ''Neighbor Helping Neighbor.''

John Kelly is one of the best neighbors in the Bay Area. His public spiritedness truly encompasses the entire community. Since 1991, John Kelly has volunteered several days a week at San Quentin State Prison, where he teaches self-help courses, and offers spiritual guidance and discussion. ''I relish seeing so many men turn their lives around,'' he always says. John Kelly also serves on the boards of several civic organizations, and I'm proud to sit alongside him as a member of the advisory board of the Service League of San Mateo County. In recognition of his outstanding commitment to his community, John Kelly received the Bay Area's 2005 Jefferson Award for Public Service.

The term ''Good Samaritan'' is used so often that we occasionally forget what was so extraordinary about the story, where one man recognized a kinship, a common humanity, and stopped to help a person in need. In the parable of the Good Samaritan, the priest passes by the hapless victim. For John Kelly, the seminary strengthened his desire to help. It is his calling, and he has immeasurably transformed the lives of so many.

Mr. Speaker, I ask my colleagues to join me in honoring the life's work of John Kelly and the Samaritan House. He has said, ''The most important thing you can do is help another human being.'' In this sense, John's entire life has been filled with doing important things. He has spent his life recognizing and resolving the problems of poverty, and I'm honored to recognize him in turn in Congress.

RECOGNIZING THE 100TH ANNIVERSARY OF THE FLINT MASONIC TEMPLE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. KILDEE. Mr. Speaker, today I rise to recognize the 100th anniversary of the Flint Masonic Temple. The building was dedicated on May 16, 1911 and has been in continuous use since that time. A celebration will be held in honor of this milestone on May 7th at the Temple.

The Flint Masonic Temple is the home to several Masonic organizations including Flint Lodge 23, Fellowship 490, the Flint Shriners, the York Rite, the Scottish Rite, and the Order of the Eastern Star. Over the years many other organizations have utilized the building for their meetings and events. In 1947 the Battiste Family opened the Temple Dining Room and it became a very popular eating spot in downtown Flint. The third generation of the Battiste Family continues to operate the Dining Room today.

Many prominent citizens and leaders of Flint were involved in the planning and construction of the Flint Masonic Temple. The cornerstone was laid in 1909 and the building itself was constructed to incorporate the ritual work themes given to candidates as they progress through the first three degrees for full membership in a Masonic Lodge in Michigan. The building's east-west orientation and the use of big blocks are reminiscent of the Masonic ritual of building King Solomon's Temple. The State of Michigan listed the site on its State Registry of Historic Places in 1981.

Mr. Speaker, I ask the House of Representatives to join me in commemorating the 100th anniversary of the Flint Masonic Temple. The Masons devote their time, talent, and resources to make the Flint community a better place. The Flint Masonic Temple is a landmark and stands as a testament to the goodwill of our Masonic organizations. I pray that the Flint Masonic Temple will continue to be a place of fellowship for many, many years to come.

HONORING FREEDOM RIDERS ON THEIR 50TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. RANGEL. Mr. Speaker, I rise today, to recognize the lasting impact of a coalition from all across the country, now known as the Freedom Riders, who showed great acts of courage fifty years ago in 1961 to help pave the way for all Americans—regardless of color and background—to have the same opportunities to pursue their dreams. They traveled to the deep South to challenge the codified injustice in place and bring about an end of segregation.

James Farmer, the head of the Congress of Racial Equality, and his colleagues planned demonstration rides through the South because the Supreme Court's ruling of integration of bus and train stations and airports was not yet enforced. On May 4, 1961, thirteen riders—men and women, blacks and whites—left Washington, D.C. bound for New Orleans on May 17, the seventh anniversary of Brown v. Board of Education.

Between May and September of 1961, people of all ages, color and gender throughout the country traveled to Jackson, Mississippi. The Riders desegregated stations by entering the 'wrong' waiting room, sitting at the 'wrong' lunch counter, using the 'wrong' restroom. They encountered severe prejudice and brutality. My dear friend and patriot, Representative JOHN LEWIS, was struck by a crate. Another good friend and colleague of mine, Representative BOB FILNER, was arrested and incarcerated for two months after refusing to post bond.

Through their courage and determination, the Freedom Riders won. In September the

Interstate Commerce Commission issued new regulations mandating an end to segregation in bus and train stations. Their success inspired more people to participate in Freedom Rides elsewhere around the South during 1961. These Rides eventually led the movement to its landmark victories—the Civil Rights Act in 1964 and the Voting Rights Act of 1965. They continue to inspire a new generation of activists, such as the students of the New York State Youth Leadership Council, who invoked the memory of the Freedom Riders as they marched from places like Washington Heights in my hometown of New York City all the way to our nation's capital to demonstrate their support for the DREAM ACT.

Fifty years ago, Freedom Riders envisioned a country where everyone was given the equal opportunity to pursue their dreams. Thanks to their efforts, anyone in America can make his or her dream a reality by working hard with a can-do spirit. Today we honor the Freedom Riders by remembering their struggles and resolve, and by renewing our commitment to uphold their vision of promoting equal opportunity for all.

RECOGNIZING THE PUBLIC CONTRIBUTIONS OF THE HONORABLE MADRITH CHAMBERS FORMER CITY OF BECKLEY COMMON COUNCILWOMAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. RAHALL. Mr. Speaker, being honored this Sunday, by her hometown church, the Heart of God Ministries in Beckley, West Virginia, Madrith Chambers remains a woman of distinguished character, who early on dedicated her life to the betterment of her community. She knew that to make such service her destiny, she needed proper tools.

She enrolled in school and became a successful model. Then she became an assistant buyer for a major department store. Mrs. Chambers developed the poetry of style, which she still exudes to this very day.

In Washington, D.C., she served our troops and their families from Bolling Air Force Base to Walter Reed Army Medical Center to become an Air Force liaison to military families.

She came home to West Virginia, and did work as a legal secretary and cared for her growing family. She also took a job as a taxi cab driver.

An active citizen, Mrs. Chambers was appointed to the Beckley Human Rights Commission, where she served as Chairwoman for 9 years.

While working for the Social Security Administration, and knowing the value of a good education, Mrs. Chambers again pursued her educational goals while attending night classes at Bluefield State College. She obtained her long desired Bachelor of Science degree in Criminal Justice Administration and Law Enforcement in 1985.

Upon Mrs. Chamber's retirement after 25 years at the Social Security Administration, she was elected in 1991, to the City of Beckley's Common Council, where she served for 12 years.

During Councilwoman Chambers' tenure on the Common Council, she was instrumental in accomplishing major improvements for Ward 5, and in the Beckley Community. In her first two years as Councilwoman, she was instrumental in getting the City of Beckley to annex the Red Brush community of East Beckley, providing families with fire and police protection, water and sewage, and door to door mail delivery, by getting the City of Beckley to pave the ''red dog'' dirt roads, throughout the Red Brush community of East Beckley. This project is one that she is most proud of accomplishing.

She possesses ''no fear'' in her determination to overcome obstacles to make life better for others. Councilwoman Chambers was also the first African-American City Council member in West Virginia to request and receive funding for projects through the Budget Digest of the West Virginia Legislature and was recognized for her efforts by former West Virginia House of Delegates Speaker, Bob Kiss.

Being a mother, and seeing the need for children to have fun and educational activities during the summer months, she was first to organize the now annual ''Kid's Classic'' in the City of Beckley. The ''Kid's Classic'' is a weeklong celebration that allows all children who live throughout Beckley and Raleigh County, an opportunity to come together during the summer, in a safe environment for educational and fun activities in downtown Beckley.

Throughout Councilwoman Chambers' public service career she has been a driving force in the Beckley community. She was instrumental in the recruitment and training of minorities to serve as Beckley City police officers and increased the total number of African-Americans serving as police officers from two to seven officers during her tenure on the Common Council, a major accomplishment. Councilwoman Chambers brought Community Policing to the East Park, East Beckley, and the Maxwell Hill communities with satellite police stations.

Councilwoman Chambers, under the ''Undoing Racism Project,'' facilitated training in the City of Beckley for various city personnel to develop sensitivity awareness in promoting fair housing and lending for minorities, health care, jobs and criminal justice. When entering the City of Beckley from the 1–77/64 interchange at Harper Road, travelers will be greeted with the words on an erected sign which states, ''We Respect Diversity.'' The sign was posted by the City of Beckley at the request of Councilwoman Chambers.

While serving as Mayor Emmett Pugh's representative on the Mountain State Centers for Independent Living, she advised the Mayor on how to help bring the City of Beckley into compliance with the Americans with Disabilities Act, in meeting the mobility needs for individuals with disabilities. A short time after her tenure as Councilwoman, she secured donated land for the City of Beckley for the establishment of the Family Dollar Store, a national chain store built on the site of the former Pack's Supermarket in East Beckley. The opening of the Family Dollar Store in East Beckley provided employment opportunities for many of East Beckley's residents and is a source of great pride in the community.

Councilwoman Chambers' accomplishments are many. She has served as 1st Vice President of the Beckley-Raleigh County NAACP and was the first to run an African-American Girl Scout Troop in Beckley, under the Black Diamond Girl Scouts of West Virginia.

There were many firsts for Mrs. Chambers, she was the first African-American woman to become President of the Beckley Business and Professional Women's Club, the first African-American President of the Board of Directors for the Raleigh County Hospice Association, first African-American member of the Beckley Kiwanis Club, first African-American Woman inducted into the Women of the Moose in Beckley and continues to be active in that organization.

Councilwoman Chambers has been recognized for her many civic achievements in life. She was recognized by former West Virginia Governor Bob Wise for her leadership in the City of Beckley. Councilwoman Chambers received the ''Seat for Social Justice'' award from the Citizens Conservation Corps of West Virginia. The ''Seat for Justice Award,'' a uniquely designed artwork depicting a bus seat, is now on permanent display at the Beckley-Raleigh County Public Library.

Councilwoman Chambers is among two living employees who worked at the old Conley High School in Mullens, West Virginia, and was recognized for her professional achievements by the West Virginia Black Hall of Fame in 2010.

Councilwoman Chambers, a woman of deep abiding faith in God is a member of the Heart of God Ministries in Beckley, West Virginia. She is an accomplished pianist and over the years has served as pianist for several churches. Being the mother of three girls and two boys, she has a passion for life and endeavors to bring all brethren together for the good of the community.

In the old gospel hymn that she loves dearly, ''Let My Works Speak for Me,'' Councilwoman Chambers desires that her life be a living testimony of what God has allowed her to do and achieve in her public service throughout Beckley and the State of West Virginia. Her favorite scripture is from Psalm 133:1 ''Behold, how good and how pleasant it is for brethren to dwell together in unity.'' With God, all things are possible is her motto.

I hope all West Virginians will join me in recognizing the Honorable Madrith Chambers.

HONORING DOMINIC J. CIARAMITARO

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. McCOTTER. Mr. Speaker, today I rise to honor Dominic J. Ciaramitaro, a courageous Marine and noble soldier, who died on April 23, 2011 at the age of 19. Lance Corporal Ciaramitaro laid down his life while bravely conducting combat operations In the Helmand Province, Afghanistan.

Lance Corporal Ciaramitaro was an antitank missileman assigned to the 3rd Battalion, 9th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force based in Camp Lejeune, N.C. He was a 2009 graduate of South Lyon High School who as a member of the football team. Lance Corporal Ciaramitaro enlisted in the Marines the day after his high school graduation and began his career as a Marine in November 2009. Lance Corporal Ciaramitaro deployed in support of Operation Enduring Freedom in December 2010 and

was promoted to lance corporal on Jan. 1, 2011. He was awarded the National Defense Service Medal, Afghanistan Campaign Medal and the Global War on Terrorism Service Medal.

A hard worker, a proud and brave American, and a loving son, Lance Corporal Dominic Ciaramitaro leaves behind his beloved mother, Debbie Beaupre and his treasured father and stepmother, John and Lynn Ciaramitaro. He is survived by his adored brother Salvatore and dearly loved sisters Holly, Lucy, Elizabeth and Grace. His grandparents, Marie and Sam Ciaramitaro, his grandmother Susan Boston and many aunts, uncles, cousins and friends will long remember him.

Lance Corporal Dominic Ciaramitaro made the ultimate sacrifice for his country in Operation Enduring Freedom. To his fellow soldiers, his family and friends, and to everyone who knew and loved him, he was a dedicated member of his community who answered the higher calling to serve his country.

Mr. Speaker, during his lifetime, Dominic Ciaramitaro enriched the lives of everyone around him by employing energy, leadership, and courage in everything he set out to do. As we bid farewell to this exceptional individual, I am reminded that freedom does indeed exact a heavy price and I ask my colleagues to join me in remembering and honoring his contributions and years of devoted service to his community and our country.

HONORING THE LIFE OF WILLIAM ''BILL'' MUNSEY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to honor the memory of William ''Bill'' Munsey of Pompano Beach, Florida, who passed away on April 3, 2011 at age 86 after a valiant struggle against cancer. Bill had a long and celebrated career in athletics. As a young man at Fleming High School in Roanoke, Virginia, he played football, basketball, tennis and ran track. In 1942, Bill enrolled at Roanoke College on an athletic scholarship. Following football season, he entered the U.S. Navy as a member of the Amphibious Forces and served as a ''frogman'' in both the Atlantic and Pacific commands. After his military service, Bill returned to Roanoke College, where he played basketball.

Bill and his wife, Jane, moved to Florida in 1949, where he began teaching and coaching at Riverside Military Academy in Hollywood. During that time, he attended the University of Miami, graduating in 1950 with a degree in Physical Education. He loved Miami football and was always proud to be a ''Hurricane.''

Bill Munsey began his career in high school coaching in 1954 at Pine Crest School, where he was known as the ''cornerstone'' of the athletic program. He coached Pine Crest's first football team and served as its first Athletic Director. He built a legendary and very successful career, serving as coach and Athletic Director for 38 years. As head of the football program, Coach Munsey led his teams to nine conference titles, eight district titles and four regional titles. His football teams won 61 of 63 games during the 1987 to 1993 seasons. He compiled a career record of 216–92–2 that included four undefeated seasons.

Bill Munsey loved all sports, and during his 38 years at Pine Crest, he also coached basketball, baseball, golf and track. His excellence as a coach was recognized with numerous awards. He was voted Broward County Football Coach of the Year six times and won the 1988 Football Coach Gold Award, a scholastic award. Besides the prominence of his football teams, his basketball teams won four district titles and a trip to the state Final Four in 1961.

During his career, Coach Munsey was inducted into the Florida Coaches Association Hall of Fame, the FHSAA Hall of Fame and Pine Crest's own Athletic Hall of Fame. He was inducted into the Broward County Sports Hall of Fame and was named Athletic Director of the Year. Coach Munsey was also a football and basketball official and actually held the first Broward County officials' meetings in his home. Bill Munsey was known to say that he never recruited a player from another school and that a Pine Crest student-athlete had to be both smart and a good athlete to play for him.

Mr. Speaker, Bill Munsey's absence will be felt by the many players he coached, the people he coached with and against and all who knew and admired him for the honest, dedicated sports professional that he was. I am pleased to honor his memory.

REPEALING PREVENTION AND PUBLIC HEALTH FUND

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 13, 2011

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1217) to repeal the Prevention and Public Health Fund:

Ms. RICHARDSON. Madam Chair, I rise today in strong opposition to H.R. 1217, a bill that would repeal the Prevention and Public Health Fund established by the Affordable Care Act. The Prevention and Public Health Fund makes smart investments in state and community efforts to help the American people live longer, healthier lives.

The Prevention and Public Health Fund represents a paradigm shift in the way we conceptualize health care in this country. Instead of focusing exclusively on treatment, the fund established by the Affordable Care Act recognizes the importance of prevention and encourages Americans to lead healthier lifestyles. All 50 states are already using these funds to target the obesity epidemic, HIV prevention, tobacco usage, and nutrition and physical activity.

Not only does the Prevention and Public Health Fund promote healthier lifestyles, it also contributes to long-term savings in health care expenditures. As health care costs continue to rise, preventative care can help to rein in the out of control costs. Preventing chronic diseases like heart disease, cancer, diabetes, and stroke does not only make sense from a public health perspective, it makes sense from an economic perspective as well.

The United States spends $270 billion annually due to chronic illness. Chronic diseases are also responsible for 70 percent of deaths in America and 75 percent of health care expenditures. Working to curb unhealthy behaviors that lead to chronic disease such as tobacco and alcohol consumption, physical inactivity, and poor diet will save lives and money.

At a time when we are being forced to make tough decisions on government spending, targeting a program like the Prevention and Public Health Fund is misguided. Investing money into community-based preventative care initiatives that encourage people to engage in healthier behavior has the potential to save the country billions of dollars in costs associated with treatment of chronic disease.

In California alone, the Department of Health and Human Services has already used the Prevention and Public Health Fund to grant $42.7 million to organizations throughout the state that are engaged in prevention and wellness initiatives. Of this $42.7 million, $8.9 million has been awarded to community and clinical prevention, $7.2 million to public health infrastructure, and $26.4 million to primary care training.

The cost of treating those with chronic illness totals billions of dollars annually and leads to billions of dollars in lost productivity. Preserving the overall health of the American people should be a priority of this body. The move by my colleagues on the other side of the aisle to repeal this important aspect of the Affordable Care Act is not only fiscally irresponsible, but it is also morally reprehensible.

Developing programs that will encourage Americans of all ages to lead more active and healthy lifestyles will require significant investment at the community level. The Prevention and Public Health Fund does that by strengthening the capacity of state and local communities.

Repealing the Prevention and Public Health Fund will threaten the well being of millions of Americans and I urge my colleagues to vote against this measure to repeal it.

HONORING THE 50TH ANNIVERSARY OF THE FREEDOM RIDERS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 4, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, today, I rise to honor the 50th anniversary of the Freedom Riders and their incredibly courageous acts of resistance during the summer of 1961, when civil rights leaders launched the Freedom Rides to challenge the Jim Crow laws that upheld the segregated interstate bus systems.

Indeed, I am privileged to serve with two of my esteemed colleagues, Representative JOHN LEWIS and Representative BOB FILNER, Freedom Riders who blazed the trail in order that I might have the distinct honor to serve as the highest-ranking African American elected official in the state of Mississippi—an opportunity that would not have been possible without the personal sacrifices of the Freedom Riders in their quest for racial justice in this country.

The Freedom Rides, an organized effort initiated by the Congress of Racial Equality

(CORE), was a significant moment during the Civil Rights Movement, as young students were greeted with violent racial discrimination as they traveled from Washington, DC throughout the Jim Crow South to test the Supreme Court's ruling in Boynton v. Virginia (1960), which declared segregation in interstate bus and rail stations unconstitutional. Freedom Riders faced violent opposition and garnered broad media attention, which eventually forced Federal intervention from the Kennedy administration.

The first Freedom Ride took place on May 4, 1961 when seven blacks and six whites left Washington, D.C., on two public buses bound for the Deep South. The Freedom Riders made it through Virginia and North Carolina without incident, but as they made it to Rock Hill, South Carolina, the Freedom Riders encountered violence and faced more resistance as they traveled further into the ''Deep South.''

The ride continued to Anniston, Alabama, where on May 14th they were met by a violent mob of over 100 people. Before their arrival, Anniston local authorities had given permission to the Ku Klux Klan to strike against the Freedom Riders without fear of arrest.

CORE leaders decided that letting violence end the trip would send the wrong signal to the country. On May 17, 1961, SNCC and the Nashville Student Movement rode from Nashville to Birmingham to resume the Freedom Rides.

On May 29th, the Kennedy administration announced that it had directed the Interstate Commerce Commission to ban segregation in all facilities under its jurisdiction, but the rides continued as students from all over the country purchased bus tickets to the South and crowded into Mississippi jails. The Freedom Rides inspired sit-ins in public facilities and businesses across the South.

Today, collectively, we must be ''Change Agents'' and continue to pursue the struggle for human, civil, and equal rights which are the legacy and spirit of the Freedom Riders and all of the brave men and women who made personal sacrifices during the Civil Rights Movement for justice and equality for all mankind.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 5, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 6

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment situation for April 2011.
SD–106

MAY 10

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine reviewing the Financial Crisis Inquiry Commission's final report.
SD–538

Energy and Natural Resources
To hold hearings to examine new developments in upstream oil and gas technologies.
SD–366

Finance
To hold hearings to examine perspectives on deficit reduction, focusing on Social Security.
SD–215

Foreign Relations
To hold hearings to examine steps needed for a successful 2014 transition in Afghanistan.
SD–419

Appropriations
Department of Homeland Security Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Coast Guard, focusing on an examination of operational and recapitalization requirements.
SD–138

Judiciary
Privacy, Technology and the Law Subcommittee
To hold hearings to examine protecting mobile privacy, focusing on smartphones, tablets, cell phones and privacy.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine the Transportation Worker Identification Credential Program.
SR–253

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold closed hearings to examine proliferation prevention programs at the Department of Energy and the Department of Defense in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program; to be immediately followed by an open hearing in SR–232A.
SVC–217

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold joint hearings to examine a roadmap for a more effecient and accountable Federal government, focusing on implementing the ''Government Performance and Results (GPRA) Modernization Act''.
SD–562

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 11

10 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Guard and Reserve.
SD–192

Finance
To hold hearings to examine the United States-Colombia Trade Promotion Agreement.
SD–215

Health, Education, Labor, and Pensions
To hold hearings to examine diverting non-urgent emergency room use, focusing on if it can provide better care and lower costs.
SD–430

Homeland Security and Governmental Affairs
Business meeting to consider pending calendar business.
SD–342

Appropriations
Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the National Institutes of Health.
SD–124

10:15 a.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the AT&T/T–Mobile merger.
SD–226

1:30 p.m.
Armed Services
Personnel Subcommittee
To resume hearings to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program.
SR–232A

2 p.m.
Rules and Administration
Business meeting to consider the nomination of William J. Boarman, of Maryland, to be Public Printer, Government Printing Office, S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent, and S. 739, to authorize the Architect of the Capitol to establish battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government.
SR–301

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine manufacturing our way to a stronger economy.
SR–253

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 114, to authorize the Secretary of the Interior to enter into a cooperative agreement for a park headquarters at San Antonio Missions National Historical Park, to expand the boundary of the Park, to conduct a study of potential land acquisitions, S. 127, to establish the Buffalo Bayou National Heritage Area in the State of Texas, S. 140, to designate as wilderness certain land and inland water within the Sleeping Bear Dunes National Lakeshore in the State of Michigan, S. 161, to establish Pinnacles National Park in the State of California as a unit of the National Park

System, S. 177, to authorize the Secretary of the Interior to acquire the Gold Hill Ranch in Coloma, California, S. 247, to establish the Harriet Tubman National Historical Park in Auburn, New York, and the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, S. 279, to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System, S. 302, to authorize the Secretary of the Interior to issue right-of-way permits for a natural gas transmission pipeline in nonwilderness areas within the boundary of Denali National Park, S. 313, to authorize the Secretary of the Interior to issue permits for a microhydro project in nonwilderness areas within the boundaries of Denali National Park and Preserve, to acquire land for Denali National Park and Preserve from Doyon Tourism, Inc, S. 323, to establish the First State National Historical Park in the State of Delaware, S. 403, to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, S. 404, to modify a land grant patent issued by the Secretary of the Interior, S. 508, to establish the Chimney Rock National Monument in the State of Colorado, S. 535, to authorize the Secretary of the Interior to lease certain lands within Fort Pulaski National Monument, S. 564, to designate the Valles Caldera National Preserve as a unit of the National Park System, S. 599, to establish a commission to commemorate the sesquicentennial of the American Civil War, S. 713, to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, S. 765, to modify the boundary of the Oregon Caves National Monument, S. 779, 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. 849, to establish the Waco Mammoth National Monument in the State of Texas, and S. 858, to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System.

SD–366

MAY 12

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine carbon capture and sequestration legislation, including S. 699, to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and S. 757, to provide incentives to encourage the development and implementation of technology to capture carbon dioxide from dilute sources on a significant scale using direct air capture technologies.

SD–366

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on the United States Special Operations Command (SOCOM), and the United States European Command (EUCOM).

SVC–217

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.

SH–219

MAY 17

10 a.m.
Foreign Relations
To hold hearings to examine strategic implications of Pakistan and the region.

SD–419

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing the United States Northern Command (NORTHCOM) and the United States Southern Command (SOUTHCOM).

SVC–217

MAY 18

10 a.m.
Veterans' Affairs
To hold hearings to examine seamless transition, focusing on improving Veterans Affairs and Department of Defense collaboration.

SR–418

MAY 19

10 a.m.
Foreign Relations
To hold hearings to examine evaluating goals and progress in Afghanistan and Pakistan.

SD–419

MAY 25

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2012 for the Missile Defense Agency.

SD–192

MAY 26

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To receive a closed briefing on the United States Central Command (CENTCOM) and United States African Command (AFRICOM).

SVC–217

JUNE 15

10:30 a.m.
Appropriations
Department of Defense Subcommittee
To hold hearings to examine the Secretary of Defense and the Chairman of the Joint Chiefs of Staff.

SD–192

JUNE 16

10:30 a.m.
Energy and Natural Resources
To hold hearings to examine S. 343, to amend Title I of PL 99–658 regarding the Compact of Free Association between the Government of the United States of America and the Government of Palau, to approve the results of the 15-year review of the Compact, including the Agreement Between the Government of the United States of America and the Government of the Republic of Palau Following the Compact of Free Association Section 432 Review, and to appropriate funds for the purposes of the amended PL 99–658 for fiscal years ending on or before September 30, 2024, to carry out the agreements resulting from that review.

SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S2639–S2700

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 877–887, and S. Res. 162–164. **Pages S2686–87**

Measures Passed:

Congratulating the University of Minnesota Duluth Men's Ice Hockey Team: Committee on the Judiciary was discharged from further consideration of S. Res. 151, congratulating the University of Minnesota Duluth men's ice hockey team on winning their first National Collegiate Athletic Association (NCAA) Division I Men's Hockey National Championship, and the resolution was then agreed to. **Pages S2694–95**

Recognizing the Teachers of the United States: Senate agreed to S. Res. 164, recognizing the teachers of the United States for their contributions to the development and progress of our Nation. **Page S2695**

Measures Considered:

SBIR/STTR Reauthorization Act: By 52 yeas to 44 nays (Vote No. 64), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on S. 493, to reauthorize and improve the SBIR and STTR programs. **Page S2661**

Appointments:

Board of Visitors of the U.S. Coast Guard Academy: The Chair, on behalf of the Vice President, pursuant to 14 U.S.C. 194, as amended by Public Law 101–595, and upon the recommendation of the Chairman of the Committee on Commerce, Science and Transportation, appointed the following Senators to the Board of Visitors of the U.S. Coast Guard Academy: Senator Wicker, from the Committee on Commerce, Science and Transportation and Senator Toomey, At Large. **Page S2695**

Nomination Confirmed: Senate confirmed the following nomination:

By 50 yeas 44 nays (Vote No. EX. 66), John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Pages S2661–76, S2700

During consideration of this measure today, Senate also took the following action:

By 63 yeas to 33 nays, 1 responding present (Vote No. 65), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the nomination. **Page S2661**

Nominations Received: Senate received the following nominations:

Anthony Frank D'Agostino, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2011.

Anthony Frank D'Agostino, of Maryland, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2014.

Janice Eberly, of Illinois, to be an Assistant Secretary of the Treasury.

Ryan C. Crocker, of Washington, Personal Rank of Career Ambassador, to be Ambassador to the Islamic Republic of Afghanistan.

Christopher Droney, of Connecticut, to be United States Circuit Judge for the Second Circuit.

Dana L. Christensen, of Montana, to be United States District Judge for the District of Montana.

Katherine B. Forrest, of New York, to be United States District Judge for the Southern District of New York.

John M. Gerrard, of Nebraska, to be United States District Judge for the District of Nebraska.

Yvonne Gonzalez Rogers, of California, to be United States District Judge for the Northern District of California.

Edgardo Ramos, of Connecticut, to be United States District Judge for the Southern District of New York.

Robert N. Scola, Jr., of Florida, to be United States District Judge for the Southern District of Florida.

Dennis J. Erby, of Mississippi, to be United States Marshal for the Northern District of Mississippi for the term of four years.

Edward M. Spooner, of Florida, to be United States Marshal for the Northern District of Florida for the term of four years.

Thomas Hicks, of Virginia, to be a Member of the Election Assistance Commission for a term expiring December 12, 2013.

35 Air Force nominations in the rank of general.

7 Army nominations in the rank of general.

3 Marine Corps nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, and Navy.

Pages S2695–S2700

Nomination Withdrawn: Senate received notification of withdrawal of the following nomination:

Ryan C. Crocker, of Washington, to be a Member of the United States Advisory Commission on Public Diplomacy for a term expiring July 1, 2012, which was sent to the Senate on February 17, 2011.

Page S2700

Messages from the House: **Page S2683**

Measures Read the First Time: **Pages S2683, S2695**

Executive Communications: **Pages S2683–86**

Executive Reports of Committees: **Page S2686**

Additional Cosponsors: **Pages S2687–88**

Statements on Introduced Bills/Resolutions: **Pages S2688–93**

Additional Statements: **Pages S2682–83**

Notices of Hearings/Meetings: **Pages S2693–94**

Authorities for Committees to Meet: **Page S2694**

Privileges of the Floor: **Page S2694**

Record Votes: Three record votes were taken today. (Total—66) **Pages S2661, S2676**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:59 p.m., until 10 a.m. on Thursday, May 5, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S2695.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: DEPARTMENT OF LABOR

Committee on Appropriations: Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2012 for the Department of Labor, after receiving testimony from Hilda L. Solis, Secretary of Labor.

APPROPRIATIONS: COMMODITY FUTURES TRADING COMMISSION AND U.S. SECURITIES AND EXCHANGE COMMISSION

Committee on Appropriations: Subcommittee on Financial Service and General Government concluded a hearing to examine proposed budget estimates and justification for fiscal year 2012 for the Commodity Futures Trading Commission and the U.S. Securities and Exchange Commission, after receiving testimony from Gary Gensler, Chairman, U.S. Commodity Futures Trading Commission, and Mary L. Schapiro, Chairman, U.S. Securities and Exchange Commission.

APPROPRIATIONS: NATIONAL NUCLEAR SECURITY ADMINISTRATION

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine proposed budget estimates and justification for fiscal year 2012 for the National Nuclear Security Administration, after receiving testimony from Thomas P. D'Agostino, Under Secretary of Energy for Nuclear Security and Administrator, National Nuclear Security Administration.

DEFENSE AUTHORIZATION REQUEST AND FUTURE YEARS DEFENSE PROGRAM

Committee on Armed Services: Subcommittee on Personnel concluded a hearing to examine the Active, Guard, Reserve, and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2012 and the Future Years Defense Program, after receiving testimony from Clifford L. Stanley, Under Secretary for Personnel and Readiness, Robert F. Hale, Under Secretary, Comptroller, Dennis M. McCarthy, Assistant Secretary for Reserve Affairs, and Jonathan Woodson, Assistant Secretary for Health Affairs, all of the Department of Defense.

NEW START TREATY IMPLEMENTATION

Committee on Armed Services: Subcommittee on Strategic Forces committee concluded a hearing to examine implementation of the New START Treaty and plans for future reductions in nuclear warheads and delivery systems post-New START Treaty, after receiving testimony from James N. Miller, Principal Deputy Under Secretary for Policy, and General C. Robert Kehler, Commander, United States Strategic Command, both of the Department of Defense; William J. Perry, Stanford University Center for International Security and Cooperation, Stanford, California; and Keith B. Payne, Missouri State University Graduate Department of Defense and Strategic Studies, Fairfax, Virginia.

BUDGET ENFORCEMENT MECHANISMS

Committee on Finance: Committee concluded a hearing to examine budget enforcement mechanisms, after receiving testimony from Susan J. Irving, Director, Federal Budget Analysis, Strategic Issues, Government Accountability Office; Paul N. Van de Water, Center on Budget and Policy Priorities, Washington, D.C.; and Phil Gramm, UBS Investment Bank, New York, New York.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Daniel Benjamin Shapiro, of Illinois, to be Ambassador to Israel, who was introduced by Senators Nelson (FL) and Lieberman; Stuart E. Jones, of Virginia, to be Ambassador to the Hashemite Kingdom of Jordan; George Albert Krol, of New Jersey, to be Ambassador to the Republic of Uzbekistan; and Henry S. Ensher, of California, to be Ambassador to the People's Democratic Republic of Algeria, all of the Department of State, after the nominees testified and answered questions in their own behalf.

BORDER SECURITY

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine securing the border, focusing on progress at the Federal level, after receiving testimony from Janet Napolitano, Secretary of Homeland Security.

DEPARTMENT OF JUSTICE OVERSIGHT

Committee on the Judiciary: Committee concluded an oversight hearing to examine the Department of Justice, after receiving testimony from Eric H. Holder, Jr., Attorney General, Department of Justice.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of John Andrew Ross, to be United States District Judge for the Eastern District of Missouri, who was introduced by Senator McCaskill; Timothy M. Cain, to be United States District Judge for the District of South Carolina; Nannette Jolivette Brown, to be United States District Judge for the Eastern District of Louisiana, who was introduced by Senators Landrieu and Vitter; Nancy Torresen, to be United States District Judge for the District of Maine, who was introduced by Senators Snowe and Collins; and William Francis Kuntz II, to be United States District Judge for the Eastern District of New York, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on Veterans' Affairs: Committee ordered favorably reported the nominations of Allison A. Hickey, of Virginia, to be Under Secretary for Benefits, and Steve L. Muro, of California, to be Under Secretary for Memorial Affairs, both of the Department of Veterans Affairs.

INTELLIGENCE

Select Committee on Intelligence: Committee met in a joint closed session with the Committee on Armed Services to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 30 public bills, H.R. 1705–1734; and 8 resolutions, H. Con. Res. 48–49 and H. Res. 246–251, were introduced. **Pages H3059–61**

Additional Cosponsors: **Pages H3062–63**

Report Filed: A report was filed today as follows:

H. Res. 245, providing for consideration of the bill (H.R. 1229) to amend the Outer Continental Shelf Lands Act to facilitate the safe and timely production of American energy resources from the Gulf of Mexico, and providing for consideration of the bill (H.R. 1230) to require the Secretary of the Interior to conduct certain offshore oil and gas lease sales, and for other purposes (H. Rept. 112–73). **Page H3059**

Speaker: Read a letter from the Speaker wherein he appointed Representative Fitzpatrick to act as Speaker pro tempore for today. **Page H3003**

Recess: The House recessed at 10:41 a.m. and reconvened at 12 noon. **Page H3011**

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Kurt Gerhard, St. Patrick's Episcopal Church, Washington, DC. **Page H3011**

No Taxpayer Funding for Abortion Act: The House passed H.R. 3, to prohibit taxpayer funded abortions and to provide for conscience protections,

by a recorded vote of 251 ayes to 175 noes, Roll No. 292. **Pages H3023–37, H3041–43**

Rejected the Speier motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with amendments, by a recorded vote of 192 ayes to 235 noes, Roll No. 291. **Pages H3041–43**

Pursuant to the rule, the amendment in the nature of a substitute printed in H. Rept. 112–71 shall be considered as adopted, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. **Page H3023**

H. Res. 237, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 243 yeas to 177 nays, Roll No. 286, after the previous question was ordered without objection. **Pages H3014–23**

Moment of Silence: The House observed a moment of silence in honor of the men and women in uniform who have given their lives in the service of our nation in Iraq and Afghanistan, their families, and all who serve in the armed forces and their families. **Page H3038**

Repealing mandatory funding for school-based health center construction: The House passed H.R. 1214, to repeal mandatory funding for school-based health center construction, by a recorded vote of 235 ayes to 191 noes, Roll No. 290. Consideration of the measure began yesterday, May 3rd. **Pages H3037–41**

Rejected the McCarthy (NY) motion to recommit the bill to the Committee on Energy and Commerce with instructions to report the same to the House forthwith with an amendment, by a recorded vote of 180 ayes to 230 noes, Roll No. 289. **Pages H3038–40**

Rejected:

Jackson Lee amendment (No. 1 printed in the Congressional Record of May 2, 2011) that was debated on May 3rd that sought to require the Health and Human Services Department to post a notice of rescission and the total amount of unobligated funds rescinded by the bill on the department's website (by a recorded vote of 207 ayes to 218 noes, Roll No. 287) and **Pages H3037–38**

Pallone amendment (No. 2 printed in the Congressional Record of May 2, 2011) that was debated on May 3rd that sought to require a GAO study to determine school districts most in need of constructing or renovating school-based health centers (by a recorded vote of 205 ayes to 210 noes, Roll No. 288). **Page H3038**

H. Res. 236, the rule providing for consideration of the bills (H.R. 1213) and (H.R. 1214) was agreed to yesterday, May 3rd.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, May 5th. **Page H3043**

Quorum Calls—Votes: One yea-and-nay vote and six recorded votes developed during the proceedings of today and appear on pages H3022–23, H3037–38, H3038, H3040, H3040–41, H3042–43, and H3043. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:52 p.m.

Committee Meetings

MISCELLANEOUS MEASURES

Committee on Agriculture: Full committee held a markup of H.R. 1573, to facilitate implementation of title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, promote regulatory coordination, and avoid market disruption. The bill was ordered reported, as amended.

PORK INDUSTRY

Committee on Agriculture: Subcommittee on Livestock, Dairy, and Poultry-Public held a hearing to review the state of the pork industry. Testimony was heard from public witnesses.

NATIVE AMERICAN PUBLIC WITNESS HEARING—APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior, Environment and Related Agencies, Native American public witness hearing. Testimony was heard from public witnesses.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES—APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, Science, and Related Agencies held a hearing on the Office of Science and Technology Policy FY 2012 Budget. Testimony was heard from John P. Holdren, Director.

MISCELLANEOUS MEASURES

Committee on Armed Services: Subcommittee on Military Personnel held a markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. The bill was forwarded, without amendment.

MISCELLANEOUS MEASURES

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense

and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. The bill was forwarded, without amendment.

MISCELLANEOUS MEASURES

Committee on Armed Services: Subcommittee on Strategic Forces held a markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. The bill was forwarded, without amendment.

MISCELLANEOUS MEASURES

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. The bill was forwarded, without amendment.

MODERNIZING MINE SAFETY

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on Modernizing Mine Safety. Testimony was heard from public witnesses.

THREAT OF DATA THEFT TO AMERICAN CONSUMERS

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled ''The Threat of Data Theft to American Consumers.'' Testimony was heard from David Vladeck, Director, Bureau of Consumer Protection, Federal Trade Commission; Pablo Martinez, Deputy Special Agent in Charge, Criminal Investigative Division, U.S. Secret Service; and public witnesses.

NUCLEAR REGULATORY COMMISSION

Committee on Energy and Commerce: Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy held a joint hearing entitled ''The Role of the Nuclear Regulatory Commission in America's Energy Future.'' Testimony was heard from the following Nuclear Regulatory Commission officials: Gregory B. Jaczko, Chairman; Kristine L. Svinicki, Commissioner, William D. Magwood, Commissioner; and William C. Ostendorff.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Environment and the Economy held a markup of H.R. 908, to extend the Chemical Facilities Anti-Terrorism (CFATS) program through September 30, 2017. The bill was forwarded, as amended.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Capital Markets continued markup of the following: H.R. 1070, Small Company Capital Formation Act of 2011; H.R. 1062, Burdensome Data Collection Relief Act; H.R. 33, to amend the Securities Act of 1933 to allow church plans to invest in collective trusts; H.R. 940, United States Covered Bonds Act of 2011; H.R. 1082, Small Business Capital Access and Job Preservation Act; H.R. 1539, Asset-Backed Market Stabilization Act of 2011; and H.R. 1610, Business Risk Mitigation and Price Stabilization Act of 2011. 10 a.m., 2128 Rayburn. The following bills were forwarded, as amended: H.R. 33; H.R. 940; and H.R. 1070. The following bills were forwarded, without amendment: H.R. 1062; H.R. 1082; H.R. 1539; and H.R. 1610.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Financial Institutions held a markup of H.R. 1121, Responsible Consumer Financial Protection Regulations Act of 2011; H.R. 1315, Consumer Financial Protection Safety and Soundness Improvement Act of 2011; and legislation to postpone the date for the transfer of functions to the Bureau of Consumer Financial Protection if the Bureau does not yet have a Director in place. H.R. 1121 was forwarded, as amended. H.R. 1315 and H.R. 1667, were both forwarded without amendment.

SECURING OUR NATION'S MASS TRANSIT SYSTEMS AGAINST A TERRORIST ATTACK

Committee on Homeland Security: Full Committee held a hearing entitled ''Securing Our Nation's Mass Transit Systems Against a Terrorist Attack.'' Testimony was heard from John S. Pistole, Administrator, TSA, Department of Homeland Security; W. Craig Fugate, Administrator, FEMA, Department of Homeland Security; Richard Daddario, Deputy Commissioner for Counterterrorism, New York City Police Department; Richard L. Rodriguez, President, Chicago Transit Authority; and Daniel O. Hartwig, Deputy Chief—Operations, BART Police Department, San Francisco Bay Area Rapid Transit (BART).

MODERN SECURITY CREDENTIALS

Committee on Homeland Security: Subcommittee on Transportation Security held a hearing on H.R. 1690, the MODERN Security Credentials Act. Testimony was heard from Stephen Sadler, Assistant Administrator, Transportation Threat Assessment and Credentialing, TSA; and public witnesses.

COST-JUSTIFYING REGULATIONS

Committee on the Judiciary: Subcommittee on Courts Commercial and Administrative Law held a hearing on Cost-Justifying Regulations: Protecting Jobs and the Economy by Presidential and Judicial Review of Costs and Benefits. Testimony was heard from public witnesses.

ICANN GENERIC TOP-LEVEL DOMAINS (gTLD)

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing on ICANN Generic Top-Level Domains (gTLD). Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on the following: H.R. 241, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; H.R. 290, War Memorial Protection Act; H.R. 320, Distinguished Flying Cross National Monument; H.R. 441, Kantishna Hills Renewable Energy Act of 2010; H.R. 643, Sugar Loaf Fire Protection District Land Exchange Act; H.R. 686, Utah National Guard Readiness Act; H.R. 765, Ski Area Recreational Opportunity Enhancement Act of 2011; H.R. 850, to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; H.R. 944, to eliminate an unused lighthouse reservation, provide management consistency by incorporating the rocks and small islands along the coast of Orange County, California, into the California Coastal National Monument managed by the Bureau of Land Management, and meet the original Congressional intent of preserving Orange County's rocks and small islands, and for other purposes; H.R. 1022; Buffalo Soldiers in the National Parks Study Act; and H.R. 1141, Rota Cultural and Natural Resources Study Act. Testimony was heard from Rep. Hunter; Rep. Calvert; Rep. Bachmann; Rep. Campbell; Rep. Polis; Rep. Jackie Speier; Stephen E. Whitesell, Associate Director, Park Planning, Facilities, and Lands, National Park Service, Department of the Interior; Mary Wagner, Associate Chief, Forest Service, Department of Agriculture; Ken Harycki, Mayor, Stillwater, Minnesota; David Beaudet, Mayor, Oak Park Heights, Minnesota; and public witnesses.

FEDERAL HYDROPOWER INVESTMENTS

Committee on Natural Resources: Subcommittee on Water and Power held a hearing entitled "Protecting Federal Hydropower Investments in the West: A Stakeholder's Perspective." Testimony was heard from public witnesses.

IS THIS ANY WAY TO TREAT OUR TROOPS? PART III: TRANSITION DELAYS

Committee on Oversight and Government Reform: Subcommittee on National Security, Homeland Defense and Foreign Operations held a hearing entitled "Is This Any Way to Treat Our Troops? Part III: Transition Delays." John Medve, Executive Director, VA/DOD Collaboration Service, Department of Veterans Affairs; Lynn Simpson, Acting Principal Deputy Undersecretary of Defense for Personnel and Readiness, Department of Defense; Randall B. Williamson, Director of Health Care, Dan Bertoni, Director of Education, Workforce, and Income Security, GAO; and Mark Bird, IT Team Assistant Director, GAO.

PUTTING THE GULF OF MEXICO BACK TO WORK ACT; AND RESTARTING AMERICAN OFFSHORE LEASING NOW ACT

Committee on Rules: The Committee granted, by a vote of 9 to 3, a structured rule for H.R. 1229. The rule provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill. The rule provides that the amendment recommended by the Committee on Natural Resources shall be considered as adopted. The rule waives all points of order against provisions in the bill, as amended.

The rule makes in order only those amendments to H.R. 1229 printed in Part A of the Rules Committee report accompanying the resolution. The rule provides that each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in Part A of the report. The rule provides one motion to recommit with or without instructions.

The rule further provides a structured rule for H.R. 1230. The rule provides one hour of general debate equally divided and controlled by chair and ranking minority member of the Committee on Natural Resources. The rule waives all points of order against consideration of the bill. The rule waives all points of order against provisions in the bill.

The rule makes in order only those amendments to H.R. 1230 printed in Part B of the Rules Committee report accompanying the resolution. The rule provides that each such amendment may be offered

only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in Part B of the report. The rule provides one motion to recommit with or without instructions.

Finally, the rule directs the Clerk to, in the engrossment of H.R. 1229, add the text of H.R. 1230 as passed by the House as new matter at the end of H.R. 1229.

Testimony for H.R. 1229 was heard from the following: Chairman Hastings of Washington; Rep. Markey; Rep. Holt; Rep. Hanabusa; and Rep. Jackson Lee of Texas. Testimony for H.R. 1230 was heard from the following: Chairman Hastings of Washington; Rep. Markey; and Rep. Holt.

MISCELLANEOUS MEASURES

Committee on Science, Space, and Technology: Full Committee held a markup of H.R. 1425, Creating Jobs Through Small Business Innovation Act of 2011. The bill was ordered reported, as amended.

STIMULUS STATUS

Committee on Transportation and Infrastructure: Full Committee held a hearing on Stimulus Status: Two Years and Counting. Testimony was heard from Calvin L. Scovel III, Inspector General, Department of Transportation; Arthur A. Elkins, Jr., Inspector General, EPA; Phillip Herr, GAO; David Trimble; GAO; and Roy Kienitz, Undersecretary for Policy, Department of Transportation.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, MAY 5, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, Subcommittee on Emerging Threats and Capabilities, to receive a closed briefing on Department of Defense plans and programs relating to counterterrorism, counternarcotics, and building partnership capacity, 9:45 a.m., SVC–217.

Committee on Banking, Housing, and Urban Affairs, to hold hearings to examine legislative proposals in the United States Department of Housing and Urban Development's fiscal year 2012 budget, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation, business meeting to consider pending calendar business, 10 a.m., SR–253.

Committee on Energy and Natural Resources, to hold hearings to examine a joint staff discussion draft pertaining to cyber security of the bulk-power system and electric infrastructure and for other purposes, 9:30 a.m., SD–366.

Committee on Finance, Subcommittee on International Trade, Customs, and Global Competitiveness, to hold hearings to examine enforcing America's trade laws in the face of customs fraud and duty evasion, 2 p.m., SD–215.

Committee on Foreign Relations, to hold hearings to examine assessing United States policy and its limits in Pakistan, 10 a.m., SD–419.

Committee on Health, Education, Labor, and Pensions, to hold hearings to examine improving health quality and patient safety, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery, to hold hearings to examine understanding the power of social media as a communication tool in the aftermath of disasters, 10 a.m., SD–342.

Committee on Indian Affairs, to hold an oversight hearing to examine stolen identities, focusing on the impact of racist stereotypes on indigenous people, 2:15 p.m., SD–628.

Committee on the Judiciary, business meeting to consider S. 350, to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, S. 623, to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and the nominations of Bernice Bouie Donald, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, Henry F. Floyd, of South Carolina, to be United States Circuit Judge for the Fourth Circuit, Kathleen M. Williams, to be United States District Judge for the Southern District of Florida, Nelva Gonzales Ramos, to be United States District Judge for the Southern District of Texas, Richard Brooke Jackson, to be United States District Judge for the District of Colorado, Sara Lynn Darrow, to be United States District Judge for the Central District of Illinois, and Virginia A. Seitz, of the District of Columbia, and Lisa O. Monaco, of the District of Columbia, both to be an Assistant Attorney General, Denise Ellen O'Donnell, of New York, to be Director of the Bureau of Justice Assistance, and Donald B. Verrilli, Jr., of the District of Columbia, to be Solicitor General of the United States, all of the Department of Justice, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Conservation, Energy, and Forestry, hearing to review the U.S. Forest Service's proposed Forest Planning Rule, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Financial Services and Related Agencies, hearing on DC Courts and Court Services and Offender Supervision Agency FY 2012 Budget, 10 a.m., 2359 Rayburn.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, hearing on Cemeterial Expenses—Army FY 2012 Budget, 1 p.m., H–140 Capitol.

Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, hearing on American Battle Monuments Commission FY 2012 Budget, 2 p.m., H–140 Capitol.

Committee on Armed Services, Subcommittee on Seapower and Projection Forces, markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. 10:30 a.m., 2212 Rayburn.

Subcommittee on Readiness, markup on H.R. 1540, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes. Noon, 2118 Rayburn.

Committee on Education and the Workforce, Full Committee, hearing on Policies and Priorities of the U.S. Department of Health and Human Services, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Power, hearing on The American Energy Initiative, 9:30 a.m., 2322 Rayburn.

Subcommittee on Health, hearing entitled "The Need to Move Beyond the SGR." 10 a.m., 2123 Rayburn.

Committee on Foreign Affairs, Subcommittee on Europe and Eurasia, hearing on Overview of Security Issues in Europe and Eurasia, 2:30 p.m., 2200 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on Shifting Sands: Political Transitions in the Middle East, Part 2, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Intellectual Property, Competition and the Internet, hearing on Ensuring Competition on the Internet: Net Neutrality and Antitrust, 10 a.m., 2141 Rayburn.

Committee on Science, Space, and Technology, Subcommittee on Space and Aeronautics, hearing on Office of Commercial Space Transportation's Fiscal Year 2012 Budget Request, 10 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Economic Growth, Capital Access and Tax, hearing entitled "Professional Services: Proposed Changes to the Small Business Size Standards." 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, hearing on EPA Mining Policies: Assault on Appalachian Jobs—Part I, 10 a.m., 2165 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, markup of H.R. 1383, Restoring GI Bill Fairness Act of 2011; H.R. 802, to direct the Secretary of Veterans Affairs to establish a VetStar Award Program; H.R. 1657, to amend title 38, United States Code, to revise the enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans; and legislation regarding the Five year extension of Housing Grant Authority under Section 2102A of Title 38; and H.R. 1671, Andrew Connolly Veterans' Housing Act. 10 a.m., 334 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, markup of H.R. 1407, the Veterans' Compensation Cost-of-Living Adjustment Act of 2011; H.R. 1484, the Veterans Appeals Improvement Act of 2011; and H.R. 1627, to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes. 1:30 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Oversight, hearing on transparency and funding of State and local defined benefit pension plans, 9:30 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, hearing on Military Intelligence Program and General Defense Intelligence Program FY2012 Budget Overview, 2:30 p.m., HVC–304. This is a Closed hearing.

Next Meeting of the **SENATE**

10 a.m., Thursday, May 5

Senate Chamber

Program for Thursday: Senate will be in a period of morning business until 5 p.m.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Thursday, May 5

House Chamber

Program for Thursday: Consideration of H.R. 1230—Restarting American Offshore Leasing Now Act (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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