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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. MARCHANT).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 16, 2011.

I hereby appoint the Honorable KENNY MARCHANT 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.

NEW ROUTE FOR STALLED KEYSTONE XL PIPELINE

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

Mr. SHIMKUS. Mr. Speaker, in today's Reuters report, ''Secretary of State Hillary Clinton Wednesday urged claimants to the South China Sea not to resort to intimidation to push their cause in the potentially oil-rich waters, an indirect reference to China ahead of a regional leaders' summit.''

Why are we concerned about crude oil in dangerous places of the world? It is because we do not have North American energy security, hence the whole Keystone XL pipeline debate.

And we have good news on that front. Two days ago, from Lincoln, Nebraska, another Reuters article says, ''Nebraska and TransCanada agreed on Monday to find a new route for the stalled Keystone XL pipeline that would steer clear of environmentally sensitive lands in the State.''

Why is that important? Energy security, expediting the permitting process, 20,000 new jobs immediately, private capital, Caterpillar mining trucks, Marathon Oil refinery.

If you live in the Midwest States of Missouri, Illinois, Indiana, Ohio, and Michigan, this oil goes directly to refineries and that, which decreases our reliance on imported crude oil and makes us safe and secure and it creates jobs.

Keystone XL is a no-brainer. This administration needs to get off the dime and move this process.

BAKED GOODS, PIZZA, AND SODA

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

Mr. BLUMENAUER. Last December, an item caught my eye in the Harper's Index: the rank of baked goods, pizza, and soda as sources of calories for American children—drum roll, please—number one, number two, number three. That's how our children get most of their calories; first from baked goods, then from pizza, then from soda. No wonder we have a national epidemic of obesity for our children with lifetime health care consequences, starting with diabetes and then heart disease. It's why the military is concerned that only one in four young people qualify for military service, with obesity being a major factor in that disqualification.

I salute First Lady Michelle Obama in her efforts to spotlight healthy eating, to help families give their children more nutritious choices. But we should start with what we are feeding the 31.6 million children in our schools. The administration has taken some small but important steps with the Federal partnership of this largest food program in the country to refine what the standards are for delivering this important service to our children.

Well, the battle has taken a new turn, where Congress is poised to intervene to make sure that pizza continues to count as a vegetable and that we protect more French fries on the tray. Overturning this simple, commonsense adjustment for rules—which food nutrition experts and child advocates strongly support—is going to be buried in the Agriculture appropriations bill coming forward. The people who defend inflicting this on our children site issues of cost, waste, and nutrition. Well, you don't need calorie-laden pizza crust to deliver nutrients, and waste is not a product of giving people healthy choices.

I invite anybody to come with me, visit Abernethy School in Portland, Oregon, where parents, students, and faculty have combined to have an innovative food program where kids grow food themselves. They prepare it. They study it. They're healthier and happier. Come to the University of Portland, where Bon Appetit, an innovative food service supplier by providing more choices and healthier choices, has cut food waste 70 percent.

But the cost argument is the most bogus. We're talking arguably about perhaps as much as 14 cents a meal, less than $1.4 billion for a year. That is less than Congress has decided that it will pay Brazilian cotton farmers because we don't have the gumption to

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end illegal cotton subsidies to American farmers. We could produce $25 billion to $30 billion in savings from direct payments, usually to large agribusiness interests; or, if we stop the obscene process of giving more to crop insurance agents than to farmers, reform crop insurance, we could yield another $8 billion to $12 billion. This is entirely within our capacity. If the House goes along with this travesty, shame on us.

The need to protect our children's health has never been clearer. The costs have never been more manageable. Indeed, this will more than pay for itself in savings for lifetime costs of health care. It will damage people's health and shorten lives. The ''ketchup as vegetable'' debacle of the Reagan era will look tame and sane by comparison. I strongly urge the House to reject this ill-advised initiative.

PASS THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. LANCE) for 5 minutes.

Mr. LANCE. Mr. Speaker, as of November 14, 2011, the United States national debt is $14.973 trillion, according to the Department of the Treasury. With pending security auctions this month, it is inevitable that the national debt will reach the unprecedented level of $15 trillion in the coming weeks. When the national debt reaches $15 trillion, it means the U.S. debt-to-GDP ratio will reach 99.7 percent, and our debt will equal $47,900 for every living American.

Since President Obama took office in 2009, the debt has gone up by $4.3 trillion. In the last 50 years, the Federal Government has only managed to balance its budget five times, most recently with President Clinton, a Democrat, and Republican control of the United States House of Representatives and Senate.

Washington now borrows approximately 40 percent of every dollar it spends. Foreign investors hold half of our Nation's public debt and one-third of overall debt, not only from China, but from Japan, Great Britain, Saudi Arabia, and other places as well.

□ 1010

Admiral Mullen, the recently retired chairman of the Joint Chiefs of Staff, has rightly called the national debt ''the single biggest threat to our national security.''

While we have made significant strides in reducing the cost of government over the last few months, much more needs to be done. The primary focus of this Congress and our new leadership has been to restore fiscal sanity and fiscal restraint to the Federal Government. We must remember that the money in the Treasury is not our money but it is the people's money, and we are charged with being good stewards of that money.

There is only one way to ensure that future Congresses and Presidents, regardless of party, are unable to return to the reckless, out-of-control spending of the past, and that is to pass a balanced budget amendment to the United States Constitution. This week, Congress will vote on a balanced budget amendment to the Constitution for the first time in 16 years.

In 1995, following passage by the House of Representatives, the United States Senate came within one vote of sending a version of the balanced budget amendment to the States for ratification. Since then, our total national debt has almost tripled. Today's proposal is nearly identical with the one that passed the House of Representatives with 72 Democratic votes in 1995.

Amending our Constitution should not be taken lightly. I will support the balanced budget amendment because I believe it is the right thing to do to help get our Nation's fiscal house in order. I would have preferred that the balanced budget amendment include a spending cap, but we need Democratic Members to achieve the necessary two-thirds majority required for a constitutional amendment to be sent to the States for ratification. That is why the amendment we will be considering almost mirrors the 1995 text.

Before coming to Congress, I served in the New Jersey State Legislature, where I successfully sought reforms to ensure that our State government was responsible with the people's money. In 2008, the people of New Jersey passed by State constitutional amendment to require voter approval for all issuance of State borrowing. I am proud to be able to do my part here in Washington as well. Most States, including New Jersey, are required to balance their State budgets. If the Federal Government continues to spend what it does not have, the balanced budget amendment would provide a much needed safeguard to restrict future spending.

As someone who tries to be a student of American history, I know that a balanced budget amendment is not a new idea. Thomas Jefferson was a strong proponent of the idea. He said: ''I wish it were possible to obtain a single amendment to the Constitution. I would be willing to depend on that alone for the reduction of the administration of our government.'' He was referring to a balanced budget amendment. Those were wise words when spoken, and they are wise words today.

Passing a balanced budget amendment would also help move us closer to much needed economic certainty that our Nation desperately needs to boost the economy and help create jobs.

When I was a boy and a young man, the fundamental issue confronting the Nation was the threat of the Soviet Union and international communism, the focus of evil in the modern world, as President Reagan said.

The fundamental issue confronting the Nation in the 21st century is fiscal responsibility. Will our children live in a diminished America? Will the promise of America that each generation does better than the generation before it continue to exist? Will we continue to lead the world, or will leadership pass to China or India or to some other place?

This is the great issue confronting the people of the United States, and it is the great issue confronting us here in Congress. Let us get our fiscal house in order. Let's pass a balanced budget amendment to the Constitution of the United States.

HONORING LANCE CORPORAL NICKOLAS DANIELS

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

Mr. QUIGLEY. Mr. Speaker, today I rise with a heavy heart to honor and recognize Marine Lance Corporal Nickolas Daniels. Lance Corporal Daniels of Elmwood Park, Illinois, was tragically killed November 5 at the age of 25 while on patrol in the Helmand province of Afghanistan.

I want to pass on my deepest condolences to Nick's family and those who knew him and share with them the thanks of a grateful Nation.

Nick attended Elmwood Elementary School and graduated from St. Patrick High School in 2004, where he was an all-conference linebacker in football.

Mr. Daniels, after going back to St. Pat's to coach football, joined the Marines in 2010 to help achieve his goal of one day becoming a police officer. Nick was well known and respected throughout the St. Pat's community. He was a very funny, lighthearted person who would do anything for those around him. Not only was Nick a dedicated coach, but, most importantly, he was a loving son and grandson, an incredible mentor to his younger sister and brothers, and a loving and devoted fiance. I've been told that Nick poured his heart into everything he did and always wanted to make sure that his friends and family were taken care of.

A decorated marine receiving multiple citations and a role model in his community, Nickolas Daniels was, and will remain, a shining example of the best this country has to offer.

We can never repay Nick or his family for what they have given to this country, but his sacrifice will forever be remembered by those he fought to protect.

As I thought about what to say today, I realized the inadequacy of words in any such effort. I was reminded that this feeling was shared by an American President who attempted to console a family that had lost five sons in battle during the Civil War, but he captured the essence of the loss as he wrote:

''I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save.

''I pray our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

''Yours, very sincerely and respectfully, Abraham Lincoln.''

SUPPORTING RIGHT-TO-CARRY LAWS

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

Mr. MCCLINTOCK. Mr. Speaker, today the House will consider H.R. 822, a long overdue measure to ensure that States recognize the concealed weapons permits issued by other States.

This very simple measure has unleashed a firestorm of protests from the political left. I noted one polemicist, who obviously has not read the Constitution, wax eloquently of the constitutional violation of States' rights enshrined in the 10th Amendment. What nonsense. Article IV of the Constitution could not possibly be more clear: ''Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.''

It is precisely this article that requires one State to recognize driver's licenses or birth certificates or arrest warrants issued by another State. Without it, we are not a Union but merely a loose confederation.

Well, then we're told this is dangerous and risky to allow honest and law-abiding citizens to exercise their lawfully issued permits in other States. Upon what basis do they make this claim? Certainly not upon any empirical data.

The impact of right-to-carry laws, that is, laws that require the issuance of a concealed weapon permit to any law-abiding citizen, has been studied extensively, and the vast preponderance find that crime rates have fallen in those States after they've adopted such laws. No credible study has ever found that the enactment of such laws has produced an increase in crimes or suicides or accidental deaths.

Overall, States with right-to-carry laws have 22 percent lower violent crime rates, 30 percent lower murder rates, 46 percent lower robbery rates, and 12 percent lower aggravated assault rates as compared to the rest of the country. Indeed, right-to-carry laws have been so successful that no State has ever rescinded one.

So, if the left can't make a rational case on constitutional grounds or on empirical grounds, what is the problem? I suspect it comes down to what Ronald Reagan once called this irreconcilable conflict between those who believe in the sanctity of individual freedom and those who believe in the supremacy of the State.

Years ago, I had the honor to work for the legendary chief of the Los Angeles Police Department, Ed Davis. During his 8½ years as chief of the LAPD, crime dropped in Los Angeles even while, during the same period across the rest of the Nation, it was ballooning by more than 50 percent. Chief Davis founded Neighborhood Watch. He was an ardent opponent of laws that restrict ownership of firearms by honest citizens. His successful philosophy was predicated on the principle that, as he put it: ''It's not the responsibility of the police department to enforce the law. That is the job of every citizen. The police department is there to help.''

□ 1020

As citizens, we're an integral part of the laws that we enact. That doesn't mean we act as vigilantes, but it does mean that each of us has an inalienable right to defend ourselves and our families from violent predators with whatever force is necessary. And if we see a child being molested or a woman being robbed or an old man being beaten, we have a moral responsibility to intervene to the extent that we can.

A concealed weapon in the hands of honest and law-abiding citizens makes us all safer. Simply knowing that there are responsible citizens among us capable of responding with force is itself a powerful deterrent to crime. That's the well-documented experience of every State with a right-to-carry law. But a society in which honest and law-abiding citizens are disarmed by their government is a society in which the gunman is king.

This is a truth that ought to be self-evident, but it is lost at the altar of the authoritarian left, which seems to concentrate all power in government at the expense of the people. Perhaps the best test of the self-evident nature of that truth is illustrated in a full-page newspaper ad I once saw that offered a cut-out sign, which in 150-point type said: ''There are no guns in this house.'' The caption under it asked, ''Would you post this sign in your front window?''

THE STOCK ACT

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

Mr. WALZ of Minnesota. Mr. Speaker, I rise today to urge and implore my colleagues to support the STOCK Act, the Stop Trading on Congressional Knowledge Act, and I ask also that Speaker BOEHNER bring this bill to the floor for a vote immediately.

On Sunday night on CBS, their news program ''60 Minutes'' highlighted the potential problem of insider trading on Capitol Hill. Unlike all other Americans and investors, Members of Congress and their staff are not held legally responsible for profiting from nonpublic information they gain from their official position serving the public. This is absolutely outrageous and strikes at the heart of the democracy.

When I first came to Congress and sat down with the author of this bill originally, Congressman Baird, and he started explaining to me what this was about, I, as most Americans, was shocked to believe it wasn't already a bill. Why would you allow the breach of trust of the American public to believe that their Member of Congress could potentially be trading on information to enrich themselves? It's not the point of, is it happening? The point is if the potential lies there.

At the heart of every relationship is trust. If the trust is violated, everything that comes after that is a moot point. And this might be the greatest understatement ever: the American public is understandably frustrated with all the bickering and gridlock here. They don't trust institutions, they don't trust their banker, they don't trust corporations, and they don't trust Congress. If you thought we couldn't go any lower than a 9 percent approval rating, just have the people who watch ''60 Minutes'' vote now and see where they're at.

This legislation is a very big step in the right direction. It's about restoring the faith and trust in Congress and the work of democracy. Ronald Reagan was right. We've heard about President Reagan several times today. Trust but verify. That's what this piece of legislation is about. We want to work with Speaker BOEHNER and get this bill moving. And let me tell you, it's very simple on what it does. The bill would prohibit insider trading on Capitol Hill. It will remove loopholes and any confusion about what's right, wrong, legal or illegal. No insider trading by Members of Congress and their staff, period. If you do it, you break the law and you will be held accountable. It's common sense.

The STOCK Act would prohibit Members of Congress and Congressional staff from using nonpublic information obtained through their official duties for personal gain in the stocks in the commodities markets. It would also prohibit private individuals and firms who attempt to mine such information from public officials to use it for insider trading. Specifically, the bill is simple and short and says this: It requires that the SEC and the CFTC write rules that ban using congressional, nonpublic information to make trades. It changes the House ethics rules to specifically ban Members and staff from using nonpublic information to make trades. It changes House disclosure rules to require Members and staff who already file financial disclosures to disclose trades of $1,000 or more in a timely fashion, in addition to the annual disclosures. And it requires political intelligence firms to register like lobbyists. These are the people

who come to the Hill and use their connections to talk to people, try and understand what piece of legislation is moving, what's the potential for a potential government contract, and then they go back and sell the information that's given to investors.

That breach of trust, that potential to undermine our financial systems, is a cancer on the system. It weighs on the American public's trust of their finance, of corporations, of Congress and undermines the democracy. These people can still come here but register just like lobbyists.

Let's make sure that transparency and the disinfectant of sunshine shines on this. There is no room in this institution for even the perception of wrongdoing. Every Member of Congress must be held to a higher standard. It doesn't infringe upon their rights to legally trade, it doesn't infringe upon their rights—their American rights—to work hard, be smart, make good investments, and profit from that. What it does prohibit is an unfair playing field that penalizes those that play by the rules. And like so many of my colleagues and millions of middle class Americans, I myself am a public school teacher. I spent 24 years in the National Guard. I tried to do what was right by my family and my neighbors. I tried to play by the rules, with the great understanding that the American Dream was you play by the rules, you work hard, and you will benefit from that.

This piece of legislation ensures that the American people know that we, as their representatives in this sacred House of the people, are playing by the exact same rules, not worrying about enriching ourselves, not worrying about gaming the system, and making sure that their needs are put first. And as I said, it's not whether it happens or not, it's whether the perception is there. I urge my colleagues and Speaker BOEHNER, move this to the floor and let's vote for it.

THE HOLOCAUST RAIL JUSTICE ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. TURNER) for 5 minutes.

Mr. TURNER of New York. Mr. Speaker, the tragedy of the Holocaust is etched deep within our minds. All of us have heard the stories of human experiments, tortures, and mass execution. As the entrance to the Holocaust Museum here in Washington says, ''Never again,'' and others have said, ''Never forget.''

Sadly, we were provided with a powerful reminder this past week in my district that anti-Semitism is very much in our midsts. Seventy-three years later to the day, the events of Kristallnacht, the ''night of broken glass,'' were replayed in my district. Cars were burned and anti-Semitic scrawlings left on property.

Today we know the consequences of inaction. It was as true then as it is today. We know that hatred is out there, and we are all too familiar with its ability to spread like a cancer. Ten million people died at the hands of the Nazis, including 6 million Jews. This indiscriminate murder is beyond comprehension. It is unfathomable. And while Hitler and his Nazi henchmen coordinated this horrific event, they were not alone, and others who aided, abetted, and profited from this crime should be held accountable.

This morning, I will be joining my colleague, ILEANA ROS-LEHTINEN, chairman of the House Foreign Affairs Committee, who is holding a hearing on two important pieces of legislation which would make and hold accountable those entities that aided in the Holocaust. The Holocaust Rail Justice Act would make the French-owned rail company, SNCF, which transported Jews in appalling conditions from France to Germany, liable for damages.

I am proud to be a cosponsor of this bill. For a generation, Holocaust victims and survivors have been denied justice through a legal loophole barring lawsuits against sovereign entities. The rail company, SNCF, has hidden behind this legal veil as a way to escape liability, even though SNCF's trains, tracks, and employees were used.

There's no excuse for any person or entity that played any role in the Holocaust. The Nuremberg trials made clear that it is not enough that ''we were following orders.'' It is not enough today to say that SNCF did not engineer the atrocities. SNCF facilitated it, and they should be held accountable for their part.

□ 1030

Chairman ROS-LEHTINEN has introduced another measure which will enable Holocaust survivors and heirs and beneficiaries of Holocaust victims to obtain compensation for insurance policies which were taken by Nazi-run governments. This bill would provide a legal forum for victims to have their claims heard—which is small compensation for the atrocities of the Holocaust—so that the words ''never again'' are more than just words.

NAMING NEW FEDERAL COURTHOUSE IN BUFFALO FOR ROBERT H. JACKSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. HIGGINS) for 5 minutes.

Mr. HIGGINS. Mr. Speaker, on November 28 a new Federal courthouse will open in western New York. Located on historic Niagara Square in Buffalo's central business district, the 10-story structure will be home to the United States Court for the Western District of New York.

The striking profile of the courthouse is a reminder that Buffalo's future is connected to its unique architectural heritage. As we draw inspiration for our future from this impressive building, I can think of no name more fitting to grace it than one from our past, that of western New York's only Supreme Court Justice, Robert H. Jackson.

Jackson was born and raised near Jamestown, New York. He spent the first 42 years of his life in western New York and for a time lived on Johnson Park, which is in the shadow of the new courthouse, and he practiced law at the historic Ellicott Square Building in downtown Buffalo. He was a prominent local attorney, and in 1934, President Roosevelt called him to public service in Washington.

After stints as Assistant Attorney General for Tax and Antitrust, Jackson was appointed U.S. Solicitor General. He personally argued more than 30 cases before the Supreme Court on which he would later sit. Louis Brandeis, who was a Supreme Court Justice at the time, said of Jackson that he was so good he ''should be Solicitor General for life.'' But Jackson was soon tapped to head the Justice Department as United States Attorney General. He was instrumental in helping President Roosevelt formulate America's national security policies as the United States headed toward inevitable involvement in World War II.

In 1941 Roosevelt appointed Jackson to the United States Supreme Court. He remains to this day the only Supreme Court Justice from western New York. He served on the Court for 13 terms and took part in several important decisions, none bigger than the landmark Brown v. Board of Education, which prohibited segregation.

Justice Jackson was known on the Court for personally authoring thoughtful and compelling opinions. The leading constitutional scholar Laurence Tribe called Jackson ''the most piercingly eloquent writer ever to serve on the United States Supreme Court.''

In 1945 President Truman asked Jackson to take a leave from the Court to serve as the United States Chief Prosecutor at the International Military Tribunal, the Nuremberg Trials. Jackson was the chief prosecutor of the Nazi war criminals and was responsible for achieving consensus among the allies on the design and implementation of the trials. Some believe that the year Jackson spent away from the Court cost him a chance of being elevated to Chief Justice, but Jackson argued that Nuremberg was the most important work of his life.

True to his western New York roots, immediately upon returning from Europe, Jackson took a train to Buffalo to address the University of Buffalo's centennial. He spoke eloquently of the subjects of war, international law, and the need for countries to work together for peace.

Robert Jackson died in 1954 and is buried at Maple Grove Cemetery in Frewsburg, New York, not far from his childhood home. The Federal Judges and the United States Attorney of the

Western District of New York have endorsed the naming of the courthouse in Jackson's honor. Chief Judge William Skretny called him ''the most distinguished jurist and most acclaimed legal mind to come out of the Western District.'' And Senior Judge John Curtin said of Jackson, ''I think we should pick someone from the court family in western New York. I can't think of a better choice.''

Mr. Speaker, Justice Jackson's story is uniquely American and it's uniquely western New York. I will soon introduce legislation to name our new courthouse for Robert H. Jackson, and I invite my colleagues to join to support this effort.

KEYSTONE XL PIPELINE

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

Mr. OLSON. Mr. Speaker, before spending last weekend in Hawaii and now jetting off to Australia and Indonesia, President Obama was crisscrossing our country on his ''We Can't Wait'' for Congress to act tour. Along the way, he found the time to issue Executive orders that circumvent the will of Congress. His justification for this end run around Congress? America can't wait for Congress to act to create jobs.

If our President was really interested in creating jobs, he would not have caved in to election-year politics, which was precisely what he did last Friday when he punted on approval of the proposed Keystone XL pipeline until well after next fall's election.

When completed, the Keystone XL pipeline will bring nearly 1 million barrels of oil per day to the United States from Canada. Support for this pipeline is wide and varied, including major United States labor unions who understand the project will create thousands of American jobs and reduce our reliance on Middle Eastern oil. We will have greater energy security, which means greater national security. That's a win-win-win-win for America.

There is no dispute that building the pipeline will create 20,000 direct American construction jobs and spin off over 100,000 indirect jobs in the good 'ol USA. Unfortunately, the President is putting personal political needs before the needs of out-of-work Americans. He is blowing an opportunity to ensure a stable energy supply from a country that likes us while creating jobs right here in America.

The Environmental Protection Agency and the State Department have spent extensive time reviewing the impact of this pipeline. Early proposals were revised to address EPA and stakeholder concerns. After years of study, a decision was supposed to be made this fall by President Obama. Apparently, it was a tough decision for our President. He had to choose between two groups within his political base—labor unions and jobs or environmental activists and no jobs.

There are times when the American people expect leadership, leadership which requires making tough decisions. Regrettably, last Friday, our President caved in to environmental and Hollywood activists as they surrounded the White House in opposition to the Keystone pipeline. He chose to postpone a final decision on the Keystone XL pipeline until January 2013. His reason? The administration needed to consider alternative routes for the pipeline that avoided aquifers in Nebraska.

But the saga doesn't end there. Yesterday, TransCanada, the builder of the pipeline, directly addressed President Obama's concerns by announcing they would reroute the pipeline to avoid the Nebraska aquifers. Problem solved. American people win; right? No. It took a few hours for the administration to announce that the goalposts were being moved again. Despite proposing a solution to the President's concerns, the administration announced that a final decision would not come until after the Presidential election in 2012. The bottom line: Presidential politics trumped what's best for a nation struggling to recover from the worst recession in history.

America needs a thoughtful leader who places the needs of country over politics. Canada has an abundance of energy they want to sell us, but they won't wait forever, and China is a ready customer. Canadian Prime Minister Harper recently indicated that with this unnecessary delay, Canada must increase its efforts to find a partner to ensure it can supply energy outside the United States and into Asia in particular.

This pipeline will help American families today. We need these jobs today. We need this pipeline today.

□ 1040

The Chicago Bears need a punter. The American people need a leader. President Obama should be that leader and approve this pipeline today.

RESTORING OUR ECONOMY

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

Mr. SCHIFF. Mr. Speaker, in the waning months of the Clinton administration, Jason Seligman, a government economist, produced a memo for the White House that speculated on what the effects would be if the United States paid off its national debt by 2012, as many were predicting at the time.

The memo, which was obtained by NPR under the Freedom of Information Act, was never released publicly, and the events of the intervening years have rendered it nothing more than an historical curiosity, but its mere existence is both a stark reminder of what might have been, and an acknowledgment that the great majority of the current debt was built up during the last administration.

In late 2000 no one could have foreseen the 9/11 attacks or the wars that would follow. These certainly contributed to the red ink. But profligacy, poor strategic choices, and political positioning are the real drivers of our burgeoning budget, which was under $6 trillion at the time of President Clinton leaving office but is now nearly $15 trillion.

Add in a real estate bubble fueled by too easy credit and an economy that was no longer focused on creating and making things here in America, and the challenge facing us comes into even more clear focus.

In one week, the bicameral supercommittee is due to present its plan to Congress to rein in our out-of-control finances and restore the responsible stewardship of our economy that prevailed at the end of the Clinton administration, when government ran surpluses for four straight years. A mere month after the supercommittee presents its plan, just before Christmas, we will either bless its work or face the real prospect of painful across-the-board cuts beginning in 2013.

I have long supported a realistic approach and urged the supercommittee to go big and consider the full range of government spending in making cuts. However, I also know that we cannot put our fiscal house in order solely through spending cuts, and that the government is going to have to find a way to increase the revenue flowing into the Federal Treasury.

While the choices we will confront in the next few weeks will be difficult, they're only the beginning of a process that must result in a new economic paradigm that will guide Congress and the administration in the coming years, when we'll be forced to adjust to a much more competitive global environment even as we work to put the economic downturn of the past 3 years behind us.

As the current wave of pessimism surrounding the work of the supercommittee demonstrates, this will not be an easy task, nor will it be accomplished quickly. If we are to succeed, and success is an absolute imperative, I believe that we'll need a new set of long-term strategies and policies to accomplish five principles.

First, the U.S. is going to have to become a manufacturer again. We should be proud that many of the world's iconic consumer products, like Apple iPhones, for example, were designed and developed here. But much of the benefit to our economy is lost because these products are too often manufactured overseas. American workers are not benefiting from the manufacture of Apple's category-leading smartphone.

We need to return to an economy where American workers are involved in the full life cycle of a product, from concept, through design and testing, and on to manufacture and marketing. To do that, I believe that we need to inject some certainty into our corporate tax structure, as well as create

a regulatory structure that protects workers, consumers, and the environment, but not in a way that is arbitrary or capricious.

Second, we need to ensure that small business remains the catalyst for the American economy. Capitalism, by its very nature, is highly competitive, and most new businesses fail. While government cannot change that central truth about a market economy, we can foster a climate that makes it easier to succeed by ensuring access to capital, targeted tax incentives, by creating a supportive infrastructure, and devising a regulatory framework that offers American business the best chance of success.

Third, we're in a global war for talent, and we must reorient our immigration structure to attract the most promising people from around the world. It is no longer a given that a young Indian or Chinese entrepreneur will want to move to the U.S. if given the chance. Combined with the disquieting trend that American universities are not producing enough homegrown talent in science, technology, engineering, and mathematics, we face a daunting challenge. In coming days, I'll be introducing legislation that will make it easier for foreign-born graduates in select STEM fields to stay in this country by starting a new business here and hiring American workers.

Fourth, America cannot compete with the developing world in terms of wages, but a highly skilled work force, buttressed by a revitalized world class infrastructure that reduces the time and expense of getting goods to market and fosters innovation, will keep us competitive. That's why I support investments in infrastructure and education that will lay the groundwork for a newly competitive America while addressing the current unemployment problem acting as a drag on our economy.

Working together on these objectives, we can restore the middle class dream that hard work and perseverance will give the average American the chance to live comfortably. As President Clinton once observed, there's nothing wrong with America that cannot be cured by what is right with America.

NATIONAL ADOPTION WEEK

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

Mr. BRADY of Texas. Mr. Speaker, thank you for the time to talk about something near and dear to my heart, families.

This week is National Adoption Week, and as adoptive parents of two wonderful boys, my wife, Cathy, and I know how blessed an adoptive family is. Will, our 13-year old, and Sean, who will tell you he's almost 10, are the light of our lives. They're the gifts that give our lives a purpose and a joy we never knew before.

It's a privilege for me to serve the people of the Eighth District of Texas, but it is my highest privilege to be called Dad because two women in two difficult circumstances in two different States made the difficult but life-changing choice to give Cathy and I the greatest gift of all, a family.

This weekend marks the 12th annual National Adoption Day, where judges will open their courts for very special cases, and tens of thousands of children become a part of these forever families.

In my home State of Texas, there are nearly 30,000 children in foster care, and half of them could be adopted tomorrow. I hope that every American who has ever thought about sharing their blessings with a child thinks about these children who just want a seat at a Thanksgiving table they can call their own.

I ask every American, do you have room for one more at your table? If just 1 in 500 of the Americans who were polled recently and said they'd be open to adopting a foster child did so, no foster child would only have dreams of a forever family; they would have that seat at the Thanksgiving Day table.

Right now the average wait for a foster child to find a forever family is over 2½ years. To a child, that seems like forever. And thousands age out of the system every year, never having found a home. In the greatest Nation on God's green earth, we can do better by these kids, one by one, town by town.

A loving, forever family and home not only makes a powerful difference in the lives of these children, I can promise you the joy and love you'll get back will change your family. Being an adoptive parent is a gift. Every day is a present. The love you share comes back to you because adoptions make families. It made mine. Maybe it can make yours as well.

HOME BIRTH CONSENSUS SUMMIT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to recognize an event of critical importance to all current and future childbearing families in this country.

For 3 days in October, a national summit of maternity care stakeholders met in Warrenton, Virginia, to discuss the status of home birth within the greater context of maternity care in the United States. That meeting marked the first time a multidisciplinary group of maternity care providers, consumers, and industry leaders came together to determine what the U.S. maternity care system could do to make home birth the safest and most positive experience possible for moms and babies.

Given the significant controversy over the appropriateness of home birth within the groups represented at the summit, the fact that this conversation took place at all is historic. The goal of the meeting was not to debate the rightness or wrongness of home birth, but rather to discuss the support, care, consultation, collaboration, and referrals necessary to protect moms and babies in all birth settings.

According to CDC's most recent figures, in 2008, approximately 28,500 home births took place in the United States. While this number represents less than 1 percent of all births in our country, the last available statistics tell us that between 2004 and 2008, the number of women giving birth at home increased by 22 percent.

□ 1050

Without compromising quality of care, women want and expect to have choices for childbirth, including birth setting. Women and families are ill-served when maternity care professionals allow conflict between disciplines to supersede collaboration. The safety of birth in all settings must be the utmost priority.

The delegates who met in Virginia were charged with finding common ground to move the issue of safe home birth beyond professional differences and toward consensus building. The result of their effort was a consensus document released on November 1 of this year. This important document sets out nine essential statements of agreement about the ideal system to promote the safest and most positive birth outcomes across all birth settings.

While I will be submitting the entire document into the RECORD, I want to highlight the following key points agreed upon by all of the delegates at the summit:

First, all childbearing women in all maternity care settings should receive respectful, women-centered care, including opportunities for shared decisionmaking to help each woman make the choices that are right for her;

Second, physiological birth is valuable for women, babies, families, and society, and appropriate intervention should be based on the best available evidence to achieve optimal outcomes for mothers and babies;

Third, collaboration within an integrated maternity care system is essential for optimal outcomes, and when necessary, all women and families planning a birth center or home birth have a right to a respectful, safe, and seamless consultation, referral, transport, and transfer of care;

Fourth, all health professionals who provide maternity care in all settings should have a license that is based on national certification that includes defined competencies and standards for education and practice; and

Fifth, in order to foster effective communication and collaboration across all maternity disciplines, all students and practitioners involved in maternity and newborn care must learn about each other's disciplines and maternity care in all settings.

Additionally, the consensus document calls for medical liability system

reform, a compulsory process with collection of patient data in all birth settings, the elimination of disparities of care, and increased consumer participation.

The Home Birth Consensus Summit document is an important first step in protecting and supporting all childbearing families across all birth settings, but the discussion must not stop there. I encourage all professional organizations representing providers of maternity care and newborn care and all childbirth advocacy groups to affirm the consensus statement and commit to working together toward its realization. Mothers and babies in this country deserve nothing less.

HOME BIRTH CONSENSUS SUMMIT

OCTOBER 20–22, 2011

COMMON GROUND STATEMENTS

The following statements reflect the areas of consensus that were achieved by the individuals who participated in the Home Birth Consensus Summit at Airlie Center in Warrenton, Virginia, from October 20–22, 2011. These statements do not represent the position of any organization or institution affiliated with those individuals.

STATEMENT 1

We uphold the autonomy of all childbearing women. All childbearing women, in all maternity care settings, should receive respectful, woman-centered care. This care should include opportunities for a shared decision-making process to help each woman make the choices that are right for her. Shared decision making includes mutual sharing of information about benefits and harms of the range of care options, respect for the woman's autonomy to make decisions in accordance with her values and preferences, and freedom from coercion or punishment for her choices.

STATEMENT 2

We believe that collaboration within an integrated maternity care system is essential for optimal mother-baby outcomes. All women and families planning a home or birth center birth have a right to respectful, safe, and seamless consultation, referral, transport and transfer of care when necessary. When ongoing inter-professional dialogue and cooperation occur, everyone benefits.

STATEMENT 3

We are committed to an equitable maternity care system without disparities in access, delivery of care, or outcomes. This system provides culturally appropriate and affordable care in all settings, in a manner that is acceptable to all communities.

We are committed to an equitable educational system without disparities in access to affordable, culturally appropriate, and acceptable maternity care provider education for all communities.

STATEMENT 4

It is our goal that all health professionals who provide maternity care in home and birth center settings have a license that is based on national certification that includes defined competencies and standards for education and practice.

We believe that guidelines should allow for independent practice, facilitate communication between providers and across care settings, encourage professional responsibility and accountability, and include mechanisms for risk assessment.

STATEMENT 5

We believe that increased participation by consumers in multi-stakeholder initiatives is essential to improving maternity care, including the development of high quality home birth services within an integrated maternity care system.

STATEMENT 6

Effective communication and collaboration across all disciplines caring for mothers and babies are essential for optimal outcomes across all settings.

To achieve this, we believe that all health professional students and practitioners who are involved in maternity and newborn care must learn about each other's disciplines, and about maternity and health care in all settings.

STATEMENT 7

We are committed to improving the current medical liability system, which fails to justly serve society, families, and health care providers and contributes to: inadequate resources to support birth injured children and mothers; unsustainable health care and litigation costs paid by all; a hostile health care work environment; inadequate access to home birth and birth center birth within an integrated health care system; and, restricted choices in pregnancy and birth.

STATEMENT 8

We envision a compulsory process for the collection of patient (individual) level data on key process and outcome measures in all birth settings. These data would be linked to other data systems, used to inform quality improvement, and would thus enhance the evidence basis for care.

STATEMENT 9

We recognize and affirm the value of physiologic birth for women, babies, families and society and the value of appropriate interventions based on the best available evidence to achieve optimal outcomes for mothers and babies.

TRIBUTE TO MEL HANCOCK

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

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise to pay tribute to a great American who passed away last week, my friend, Mel Hancock.

Mel served in this body from 1989 to 1997. He could have easily been reelected, but he had pledged to serve only 8 years, and he kept his word.

Mel served the people of southwest Missouri with great honor and distinction. He was one of the most down-to-earth people ever to sit in Congress, and I can assure everyone that Washington never changed Mel Hancock one bit. He was one of the most conservative Members here, and if everyone had voted as he did, we certainly would not be in the astounding hole we are in today.

Mel was a very successful small business man. Early in his career, he was a salesman for International Harvester and actually lived in my hometown of Knoxville for a year and a half in 1954 and 1955. I told him once I was glad he moved back to Missouri so I could be in Congress. Of course, it was 33 years later when we both first ran.

Mel was 59 when first elected and was the oldest freshman of those who were elected in 1988. All of the new Members very quickly grew to respect and look up to him.

In Missouri, Mel had started a business installing security cameras in banks. He started with very little, worked very long hours, and saw the American Dream come true in his own life. He saw that as government grew bigger and bigger, it took away more and more of our freedom and really hurt the middle class and those in small business. He believed that Big Government really helped only those who worked for the government and very wealthy Big Government contractors.

So he took on the establishment in Missouri with what came to be called the ''Hancock Amendment.'' This was an amendment to limit property taxes, and he really just started out as one man taking on the government and its contractors. But he won, and Missouri was a better place for it. The people had more control over their own money.

One quick story. I doubt that Mel hardly ever went to a movie, but one night he and I were invited to the world premier of ''Air Force One,'' a movie starring Harrison Ford. It was a Hollywood-type opening with bright lights and a long red carpet. Most people came in tuxedos and long dresses, many in limousines. At that time, because I did not drive long distances in Washington, I drove a very cheap chocolate brown K-car that I had bought used from a rental company. The passenger door made a horrible, very loud sound when it opened. I do not believe I ever saw Mel laugh as hard as when the attendant opened his door of that little brown car, making the loud noise, so Mel and I could walk in our very ordinary suits down that long red carpet. He loved the fact that we were among the very few who had not come in tuxedos and limousines.

There's an old saying about ''being country before country was cool.'' That was Mel. Mel was possibly the first Tea Party person in the best sense of those words many years before there was the Tea Party of today. Mel ran for Congress on the slogan of ''Give 'em Mel.'' When he won, he became a gift to this Nation and to his people.

Mel was assigned to the very prestigious Ways and Means Committee. Most former members of that committee become lobbyists or highly paid consultants. But it was no surprise to me that, when he left, he went home to be with his family and the people of Missouri and never came back. He was a kind, honest, hardworking American who helped thousands of people.

Mel Hancock loved his wife, Shug, and his children, and he loved his country. He made this Nation a better place by all that he did in his good life.

HIRING HEROES ACT

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

Mr. AL GREEN of Texas. Mr. Speaker, America continues to be the land of

the free because America continues to be the home of the brave. I think it most appropriate that this House take up legislation today that will include the Hiring Heroes Act.

This legislation is exceedingly important because our brave heroes, our troops, go to distant places, and they risk their limbs and their lives to protect great and noble American ideals. They do not ask why. When the clarion call comes, they respond by going to their various assignments and doing their jobs.

When they leave home, they many times will leave home a wife that is with child. Many of their children are born while they are in distant places protecting our great and noble American ideals. They will leave behind them children who are about to take their first steps. They never get to see the first step or hear the first words spoken.

When a troop goes to war, that troop has that family with him or her. A family goes to war, not directly, but always indirectly, with the troop that goes to war.

And they do their jobs. They have done their jobs in Afghanistan. They have done their jobs in Iraq. And they will continue to do their jobs.

But it is sad to note that of those veterans who have done their jobs in Iraq and Afghanistan, 12.1 percent of them are unemployed. This is not a partisan issue. This issue transcends the lines that generally separate us. If they can go to distant places and risk their limbs and their lives for us to do their jobs for us, we have to provide jobs for them when they come home.

This is about doing the right thing for people who answer the clarion call to serve without reservation or equivocation. They merit jobs when they come home. This is why I'm proud that this House will take up legislation that will accord tax credits to businesses that hire our veterans.

□ 1100

If a business hires a veteran who has been unemployed for 4 weeks, there is a $2,400 tax credit available. If that veteran has been unemployed for 6 months, there is a $5,600 tax credit that's available. If the unemployed veteran has been unemployed for 6 months and has a service-connected disability, there is a $9,600 tax credit available to the business.

This is the business of America: putting our veterans to work.

This piece of legislation merits our consideration for other reasons as well. The legislation will allow approximately 100,000 veterans of wars of other eras to be helped with job training and other programs. This piece of legislation is the least a grateful nation can do for those who answer the clarion call to serve in distant places.

I am honored to say I will vote for the legislation. I believe in our country. I believe in the American service people—the troops that go to distant places. I want to make sure that they have every opportunity to recapture what they lost when they left their homes, left their jobs for years on end. If they can leave their jobs here and make sacrifices for us, we've got to make sacrifices here so that they can have jobs when they return home. America will continue to be the land of the free as long as we continue to make sure that we have jobs for those who are brave enough to serve us in distant places.

God bless America and God bless our troops.

JUDGE RUSTY LADD

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

Mr. NEUGEBAUER. Mr. Speaker, I rise today to honor and remember the Honorable Judge Rusty Ladd—a great man, a tireless public servant, and an advocate for the homeless.

Larry Brown ''Rusty'' Ladd passed away Friday, September 30, 2011, and he will be missed by all who knew him. I was privileged to know Judge Ladd, and I know the legacy he leaves behind will not soon be forgotten by his family, his friends, or his community, and especially Irene and the children.

Rusty was born in Breckenridge, Texas, on August 8, 1952, as the oldest son of a cotton ginner. He graduated from Lubbock Christian College in 1975 with a degree in Biblical Studies, and joined the police force in 1977. In 1988, he graduated from Texas Tech Law School and started his own practice as a defense attorney in Dallas. He then moved back to West Texas as a prosecutor in Amarillo and Plainview. In 1996, he continued his practice in Lubbock as assistant and then deputy district attorney at the Lubbock County District Attorney's Office. In 1999, Rusty assumed the judge's bench of the Lubbock County Court-at-Law No. 1.

When he took the bench, he said, ''I'm a new judge, and in taking the bench, I'm going to be able to fulfill my oath to defend the laws of the State in an absolutely fair and impartial way.'' He was true to his word—serving fairly and impartially, compassionate when possible and firm when necessary.

Rusty showed kindness not only in the courtroom but also on the streets of Lubbock. He opened his heart to the homeless in the Lubbock community, serving on the homeless committee of the Lubbock City Council since 2010 and volunteering through Carpenter's Church. Rusty dedicated his time and effort to serving the poor and the marginalized.

''The thing a homeless person misses the most is not food or shelter,'' Ladd said. ''It's a genuine relationship with somebody that's got a stable life going on.'' His Christ-like attitude toward the poor is inspiring, and I hope and pray that we can continue the selfless acts that he initiated.

Mr. Speaker, please join me in extending my sincere thanks to Judge Rusty Ladd for leaving this world a better place than he found it. I am truly honored to recognize his accomplishments. He will certainly be missed, but he will never be forgotten by those who knew him and were touched by his life.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2011

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

Ms. BERKLEY. Mr. Speaker, I rise today to express my strong support for the Emergency Unemployment Compensation Extension Act of 2011.

This legislation will extend unemployment insurance one additional year, preventing 6 million people across our Nation, as well as thousands of Nevadans, from losing their unemployment benefits.

This is especially important in my home State of Nevada, which continues to struggle with the highest unemployment rate in the Nation. Nevada's unemployed need good-paying jobs that can't be shipped overseas. That's why I'm focused like a laser on creating clean energy jobs and cracking down on the Chinese Government's unfair trade practices that are cheating Nevadans out of thousands of good-paying jobs.

But Nevadans also need relief in their job search. What they don't need is name-calling. Unfortunately, that's what they're getting in Washington. In fact, one of our Representatives had the nerve to suggest that unemployment insurance is creating a Nation of hobos. Hobos? Mr. Speaker, no one wants to be unemployed. No one wants to be out of work. No one wants to be called a hobo.

No one has ever come up to me and said, SHELLEY, Congresswoman, I love being unemployed. Life on unemployment is such a picnic.

No, they're not saying that. They say, SHELLEY, Congresswoman, I want a job. Find me a job. I want to work so I can take care of my family.

Mr. Speaker, Nevada's unemployed are not hobos. They're unemployed through no fault of their own, and they're desperate—desperate—to find a job. They can't afford not to work, and they can't afford the kind of elitist and insulting attitude representing them in Congress. They need all of us in the House and the Senate working day and night to fix our economy and to put people back to work. They don't have time for ideological battles about killing Medicare by turning it over to private insurance companies. They don't have time for vote after vote protecting taxpayer giveaways to big oil companies.

It's time to get serious about creating jobs, and it's time we get serious about extending critical unemployment insurance for families in Nevada

and across our Nation. I ask my colleagues to join me in support of this much-needed bill.

GENERAL ELECTRIC

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

Mr. WOLF. ''General Electric, the Nation's largest corporation, had a very good year in 2010.''

These were the opening words of a March 24 New York Times article. The article continued to explain that GE paid zero taxes in the U.S. in 2010. Meanwhile, the Congressional Research Service found that the October 2008 issue of China Taxation magazine published top corporate taxpayers in the commercial services sector. The Beijing subsidiary of GE was No. 32.

While we don't yet have the data regarding GE's tax payments in China for 2010, it is noteworthy that GE, an American company, paid no Federal taxes in its home country last year while being honored for being a significant source of tax revenue to China—China with its horrific human rights abuses, persecution of people of faith, censorship of the press, cyberespionage, support of rogue regimes—like President Bashir of Sudan, where there is genocide taking place—and its increasingly aggressive military posture.

This should give the Congress pause.

It is particularly alarming in the midst of economic troubles at home, but my concern does not end there.

U.S. companies like GE are increasingly sending American jobs to China. General Electric's health care unit recently announced it was moving the headquarters of its 115-year-old x-ray business from Wisconsin to Beijing. Ironically, the head of President Obama's Council on Jobs and Competitiveness is GE chairman Jeffrey Immelt. Meanwhile, half of GE's workforce is overseas. He is creating jobs, but he is creating jobs in China.

In addition to national security ramifications, GE's posture toward China has economic implications here at home.

□ 1110

This week I wrote Defense Secretary Leon Panetta, urging him to conduct a national security review of the recently announced joint venture between General Electric, GE, and the Chinese firm AVIC to develop avionics systems for jets. This partnership is troubling for a number of reasons, including the rapid advances in Chinese aeronautics and space programs and the unprecedented Chinese threat from cyberattacks and espionage. Yet according to an August Washington Post article, GE has dismissed concerns about providing the People's Liberation Army with advanced avionics technology. Lorraine Bolsinger, chief executive of GE Aviation Systems, said, ''We are all in, and we don't want it back.''

Wow. Is this true? They don't want it back? They want to give technology to the People's Liberation Army? Statements like this fail to acknowledge reality.

According to a November 4 article from The Washington Post, the administration's Office of the National Counterintelligence Executive has issued a warning that, ''Chinese actors are the world's most active and persistent perpetrators of economic espionage.''

Prolific Chinese espionage is having a real and corrosive effect on job creation. Given the breadth and scope of this espionage, which is well documented by the U.S. intelligence community, GE's public assertion that they will be able to fully protect sensitive technology lacks credibility. Should the GE-AVIC joint venture proceed, there is no question that the sensitive technology involved will be completely compromised by the People's Liberation Army.

GE has a proud tradition as an American company, and it's past time for companies like GE to bring the jobs back to America. To date, there have been no plans from this administration to do just that; but when the House takes up the mini-bus appropriations bill later this week, that will change. I've worked to include provisions to help bring back manufacturing jobs to the U.S. from China and other countries. This can help State and local governments better compete for these jobs.

American workers are among the most skilled in the world. American ingenuity is our greatest strength. We can and must compete. It is time to bring the jobs home.

BALANCED BUDGET AMENDMENT

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

Mr. MCCAUL. Mr. Speaker, I rise today in support of the balanced budget amendment to the Constitution.

Our debt burden in this country is so heavy, it is no longer simply a financial issue; it is a moral issue. We have spent and spent, racking up astronomical debt that will dampen the American Dream for our children and grandchildren. If we continue on this path, we will guarantee that future generations will have unsustainable tax burdens, monstrous inefficient bureaucracies, and a lifestyle so diminished that it will no longer resemble the America that we all know and love.

That is not what our Founding Fathers had in mind when they formed this great Nation. In fact, in 1798, Thomas Jefferson wrote, ''I wish it were possible to obtain a single amendment to our Constitution. I mean an additional article taking from the Federal Government the power of borrowing.'' Thomas Jefferson could never in his wildest dreams have imagined that our debt would one day top $14 trillion, threatening our very way of life. And unfortunately, this is a problem that only gets worse—every year that we produce a budget, our spending grows.

Ronald Reagan had it right when he said, ''No government ever voluntarily reduces itself in size. A government program is the nearest thing on Earth we'll ever see to eternal life.'' And that was back in the 1980s when our debt was a fraction of what it is now.

Our debt has grown so out of control that it not only saddles future generations with our irresponsibility, but it poses a national security threat to our country today. Former chairman of the Joint Chiefs of Staff, Admiral Mike Mullen, recently stated that our increasing debt is the biggest threat we have to our national security. We are playing with fire. And it is time to stop, and it is time to do the right thing.

Not only do 49 States have balanced budget amendments, but Americans all across the country have to balance their household budgets. It is time for Congress to do the same and balance America's checkbook.

Some of our friends on the other side of the aisle agree. In a recent letter to House Members, the gentleman from Oregon (Mr. DEFAZIO) asked his colleagues to buck their leadership and vote for the balanced budget amendment. He said, going against it is a ''strategic mistake,'' and I agree. His party's leadership evidently disagrees. And a recent headline in USA Today says it all: ''House Dems will Block Balanced Budget Amendment.'' Unfortunately, they will be on the wrong side of history.

It is time for us to take a stand and do the right thing. Let's stand on the side of our children and our grandchildren and on the side of Jefferson and Reagan and with those who believe that the safety and security of our country should come before our short-term, insatiable appetite for ever-increasing government spending. The time is now. Let's support the balanced budget amendment and put an end to the fiscal insanity that threatens this great country.

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 11 o'clock and 15 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 pro tempore (Mrs. MILLER of Michigan) at noon.

PRAYER

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

God of all the universe, we give You thanks for giving us another day.

On this day we are mindful of our shared inheritance from a great ancestor of faith, who was called by You to leave his home and go to a place he would be shown by You.

Bless the Members of this people's House and their Senate colleagues, who honor our pioneers of space exploration this day with the Congressional Gold Medal. We thank You for the spirit of exploration that You have placed within us, and which our great Nation and, most especially, some of our most heroic citizens have utilized to expand the horizons of human longing and possibility through space travel.

In these difficult times in our history, most notably for our fellow citizens struggling to make ends meet, may the Members of this House imagine solutions that might seem to be as unreachable as the Moon once was thought to be and work together to obtain the common goal of a working and prosperous America.

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. WALBERG 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 PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 20 requests for 1-minute speeches on each side of the aisle.

WE MUST CUT GOVERNMENT SPENDING NOW

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

Mr. WILSON of South Carolina. Madam Speaker, according to the Department of the Treasury, as of November 14, 2011, the national debt had reached $14.973 trillion, and will reach $15 trillion in the coming days. This is an economic threat to American families.

Since the President took office in 2009, the deficit has increased by a record $4.3 trillion. In order to protect America's future, we must be serious about cutting runaway spending, and we must act now to promote small businesses to create jobs.

House Republicans have sent to the Senate for consideration nearly 90 bills to encourage jobs. This legislation dealt directly with limiting spending, terminating failing housing programs, and encouraging job growth and job creation. It's time for the liberals in the Senate and the President to do the same.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. Our sympathy to the family of Steve Kodman, assistant solicitor of Aiken, Barnwell, and Bamberg.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3010

Mr. BACA. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3010.

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

There was no objection.

NATIVE AMERICAN HERITAGE MONTH

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

Mr. BACA. Madam Speaker, I rise to honor the contributions of America's first people in recognition of Native American Heritage Month. Throughout history, Native Americans have made countless advances for our Nation and our society and our culture.

The constitutional separation of powers we have in our government is based on the structure of the Iroquois nation. Jim Thorpe brought home two Olympic gold medals in 1912. Navajo code-talkers helped us win the Pacific campaign in World War II. Ira Hayes became a national hero, raising the flag at Iwo Jima. Jim Plunkett is one of only four men to win both the Heisman Trophy and the Super Bowl MVP award.

As a Member of Congress, I've introduced a bill to establish Native American Day in California. And in 2009 I introduced legislation signed by President Obama designating the Friday after Thanksgiving as Native American Heritage Day.

We must never take for granted the rich history and culture of our first Americans. This November, I encourage everyone to honor the contributions of our tribal communities and recognize Native American Heritage Month.

BACK-DOOR REGULATION

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

Mr. WALBERG. Madam Speaker, I rise today to express my opposition to the new guidelines from the administration that restrict marketing certain food and beverage products toward children. Instead of principles, these guidelines should be treated as what they really are: unnecessary regulations.

As introduced by the administration, these rules falsely claim to be voluntary. For the first time in our Nation's history, the food and beverage industry and advertising businesses will be forced to completely alter the way they promote even their healthiest products.

Great Michigan companies like Kellogg's, that already make nutritious products, will be harshly affected. Stripping Tony the Tiger off the cereal boxes isn't going to make children healthier. What it will do is tack on another burdensome regulation for Kellogg's and other companies to deal with, destroy an American icon, and cost jobs.

Guidelines with this type of power should not circumvent the normal rulemaking process, including review by the OMB. These guidelines should be withdrawn immediately by the administration.

EXTEND UNEMPLOYMENT INSURANCE

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

Mr. STARK. Madam Speaker, last year unemployment insurance kept over 3 million people, including 1 million kids, out of poverty. These benefits are due to expire, and without an extension, more than 300,000 Californians will lose this lifeline.

Extending unemployment insurance is the smart thing to do. It creates jobs. People spend their benefits, they buy gasoline, groceries, put people to work in the communities, send their kids to school.

People scraping by on unemployment aren't looking for a handout. These are people who have been working for a long time. They are employable. There just aren't jobs, and they're out there looking to find one. We should help them. They're not looking for a handout, they're looking for a hand up.

Are we going to tell them we had money for wars and bank bailouts, tax cuts for millionaires, and not for workers? I don't think so.

A constituent frustrated at the gridlock in Congress wrote, ''America, wake up before it's too late. Our political system doesn't work.''

Let's all work together and prove this constituent of mine wrong.

SEND SURPLUS MILITARY EQUIPMENT TO BORDER

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

Mr. POE of Texas. Madam Speaker, in the vast, wide open, rugged, desolate

hinterland, southern border regions between the safer legal ports of entry, the cartels smuggle people and drugs into the United States. State and local officials do what they can to help the Feds protect these areas, but they are simply outmanned and out-equipped.

Madam Speaker, the Border Patrol needs help from local officials. Millions of pieces of equipment will soon return from Iraq. This includes UAVs that could be used as eyes in the sky for the border defenders. This equipment could fill in the massive gaps in surveillance of remote areas of the border.

I've introduced the SEND Act that would send UAVs, HUMVEES, and night surveillance equipment to our border governments. Washington could partner with border States to protect America. Sending surplus military equipment to the southern border will give Americans a return on their investment by enhancing our national security.

The American people have invested billions of dollars in equipment used to secure Iraq. Now it's time to use this same equipment to secure the United States.

And that's just the way it is.

□ 1210

HIRING OUR VETERANS

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

Ms. SCHWARTZ. As a daughter of a Korean war veteran, I firmly believe that we have a responsibility to better insure that our Nation's veterans find work when they return home.

To me, veterans, especially post-9/11, are struggling to find employment. We can and must do better. Last week, I introduced the Hiring Our Veterans Act to strengthen current law that I introduced and championed successfully in 2007 and again in 2009, which provided a tax credit to employers to hire unemployed veterans.

Today, the House of Representatives, in a bipartisan way, will pass legislation that builds on this effort and expands job opportunities for our veterans. It will expand the maximum tax credit available to employers who will hire disabled veterans who have been unemployed for 6 months, and it strengthens the hiring tax credit to benefit both short-term and long-term unemployed veterans.

This is a huge victory for our brave men and women and their families who have sacrificed so much for our Nation and our freedom. And as we wind down two wars, it is our duty and our honor to support our veterans and better insure that they have good, stable jobs when they return to home.

McKEE FOODS

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

Mr. WOMACK. Madam Speaker, I rise today to honor McKee Foods, a company in my district best known for its Little Debbie snack cakes.

McKee Foods is a role model for companies across the country. It is a company committed to excellence—excellence in customer service, excellence in the treatment of its employees, and excellence in finding a better way, which, by the way, is McKee's motto.

In 1982, the company built a plant in Gentry, Arkansas. Today, the plant is the lifeblood of the community. It employs more than 1,500 people who take pride in their work, who are loyal to their company, and who believe in service to their community.

McKee has been best known for developing innovative processes to improve its operations and become a better corporate citizen. That's why the company's recent announcement that its Gentry plant produces zero landfill waste comes as no surprise.

Two years ago, McKee's plant management team and employees came together and challenged themselves to be better stewards of the environment by producing zero landfill waste. True to form, the plant teamed up with local recycling companies and put in place new processes to achieve this goal.

Madam Speaker, I congratulate McKee Foods for its accomplishment. It is a tribute to the dedication of the company's leadership and its employees.

JULIE MICHELSON

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

Mr. CICILLINE. I rise today to honor Rhode Island's former attorney general, Julius Michelson. Julie passed away at his home this past Saturday.

Julie Michaelson was a brilliant and caring man, deeply committed to social justice and equality. He was an accomplished lawyer and a distinguished public servant who served our country both abroad and at home.

Julie was a first lieutenant in the Army in World War II. A passionate defender of justice, he also served as general counselor to the Rhode Island AFL–CIO, a State senator in Rhode Island, and State attorney general.

Julie is credited with playing a key role in the passage of our State's fair housing law, which prohibits discrimination in access to housing.

I had the pleasure of knowing Julie as a friend, a colleague, and a neighbor. His role in the community and his commitment to justice was unmatched. He made the world a better place.

I offer my sincere condolences to Rita and the entire Michelson family. Julie Michelson will be greatly missed.

KEYSTONE XL PIPELINE

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

Mr. PITTS. Madam Speaker, this is a tale of two jobs programs.

In the first, the government moves to put $500 million in loans in a private company. These loans are supposed to build a factory and create what the Vice President calls permanent jobs. The President tours their facilities, the Secretary of Energy lauds the company, top White House officials show an interest in the project, OMB worries are overruled, and the money is handed out. A year later, the company is bankrupt and all of the government money is lost.

In the second tale, a private company wants to build a pipeline that would create 20,000 jobs directly and a hundred thousand jobs indirectly. They don't need a single dime of government money. In fact, they're paying the bill for significant government environmental reviews of the project. Even though their project is declared safe by the State Department, they're ordered to perform another year of environmental studies.

Solyndra and Keystone XL—we have a White House that is eager to waste the public's money on one failing company but stands in the way of another company who doesn't need a dollar from the American taxpayer. Go figure.

EXTEND UNEMPLOYMENT INSURANCE

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

Mr. LEVIN. More than 400 unemployed Americans have shared their story with us in the last 2 weeks. Here they are. They illustrate in no uncertain terms the urgent need for Congress to extend Federal unemployment insurance through 2012. Without action, 2 million Americans will lose their benefits by February, as shown in this chart. Two million Americans like Phil from Clinton Township. He wrote to us with a resolve common among the stories that we've received, and I quote:

''I am by no means unintelligent. I am by no means lazy. And I am by no means giving up. Without unemployment benefits, I will not be able to pay my bills (including my cell phone so I may receive calls from potential employers) and finding something to eat will become increasingly difficult.''

Congress has never allowed the Federal program to expire with the unemployment rate as high as it remains today, and we must not start now. We must act now.

BALANCED BUDGET AMENDMENT

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

Mr. HUIZENGA of Michigan. Madam Speaker, I rise today to ask the American people to let their voice be heard. Our crushing national debt and our

out-of-control spending is something that has been made aware of for so many, but it is time to do something about it.

As part of the House Republican plan for America's job creators, we have a stated goal: to pay down America's unsustainable debt burden and start living within our means.

Madam Speaker, when I served in the Michigan Legislature, we had to live under that same requirement of a balanced budget according to the Michigan Constitution. It made for some very, very difficult decisions.

But you know what, Madam Speaker? The American people are not only ready, they are asking for this reasonable step to be made for us to insert this balanced budget amendment into the United States Constitution as well. They need to do it in their own lives. It's time government do it as well with theirs.

Living within our means is a requirement in their lives. It is a requirement for a vast majority of the State governments. It's time that the Federal Government do that as well.

It's time for your voice to be heard. And, frankly, Madam Speaker, it's time for the American people to hold accountable those who will not listen.

VETERANS AND JOBS

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

Mrs. CAPPS. Last week we celebrated Veterans Day, a time to remember those who have served our country and their families. As a nation, we must live up to our obligations and responsibilities to care for our servicemen and -women from the moment they join up and throughout their lives. And we have done this through the post-9/11 GI Bill and our efforts to strengthen TRICARE.

But now, with over 12 percent unemployment for veterans, there's so much more we must do. And that's why I support the putting veterans to work tax credit for hiring veterans and wounded warriors that will be on the floor today, and it's why I introduced my own legislation to help our military medics transition into civilian EMT jobs so that they can continue their service here at home.

Our commitment to our men and women in uniform doesn't end when they return. It lasts a lifetime. I urge my colleagues to support these bills so we can fulfill our commitment.

BALANCED BUDGET AMENDMENT

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

Mr. ROE of Tennessee. Madam Speaker, this week we will take what I believe is one of the most important votes we will ever cast in the U.S. Congress on adding a balanced budget amendment to the U.S. Constitution.

With our national debt approaching $15 trillion—more than $47,900 for every man, woman, and child in this Nation—it's time to get serious about spending. That's why we must succeed where other Congresses have failed and send this amendment to the States for ratification. According to the CBO, the budget submitted by the President earlier this year would, at no time over the next 10 years, bring the annual deficit below $748 billion.

This balanced budget amendment would require Washington to live within its means just exactly like families do, cities, counties, States do every day. It simply says that spending cannot exceed revenues unless three-fifths of each Chamber approves.

Forty-eight States, including my home State of Tennessee, already have a balanced budget amendment. This is just common sense. I urge my colleagues to support this amendment and the principles that it represents: Spend less than you take in.

LOCAL FARMS, FOOD, AND JOBS ACT

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

Ms. PINGREE of Maine. Madam Speaker, when I moved to Maine 40 years ago and started a little organic farm, growing and selling healthy food locally was out of the mainstream. It was something that the back-to-the-land crowd was into, but here in Washington the government was pushing farmers to, in the words of Agriculture Secretary Earl Butz, ''Get big or get out.''

It turns out that kind of thinking wasn't good for family farms, it wasn't good for rural communities, and it wasn't good for our Nation's health. That's why I've introduced a bill that is intended to make it easier for farmers to sell food locally and regionally, make it easier for schools to buy healthy local food and easier for us to rebuild the local and regional food systems.

Over 100 organizations and 53 of my colleagues have endorsed the Local Farms, Food, and Jobs Act, a package of reforms to the farm bill that will help move our Nation's food policy in the right direction.

Everywhere I go, people just want to know that the food they put on their table is healthy, fresh, and good for their family. This bill will help make that easier for American families.

□ 1220

FOOD MARKETING RESTRICTIONS

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

Mr. GIBSON. I rise to share my disappointment with the recent proposal by the administration to restrict food and beverage marketing. Like many Members of this body, I am concerned about the rise in childhood obesity. However, the proposed guidelines will do little to address the issue. In particular, I am concerned that this proposal blatantly contradicts existing Federal nutrition standards.

Under the administration's food marketing restrictions, many healthy products could no longer be advertised or marketed, including most soups, breads, cereals, yogurts, and most cheeses. These unreasonable standards impact products that are considered healthy by the administration's school lunch program, WIC program, and new dietary guidelines.

Any proposal to regulate food should be based upon sound nutritional standards and common sense. We should let science, not politics, lead the way. The first step is to complete the study originally requested by Congress, and then we'll go from there.

ARMY STAFF SERGEANT ARI CULLERS

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

Mr. COURTNEY. Madam Speaker, I rise today to honor the service and sacrifice of Army Staff Sergeant Ari Cullers, who lost his life on October 30, 2011, while serving in Kandahar province in Afghanistan.

Sergeant Cullers was born 28 years ago in New London, Connecticut, and later moved with his family to Waterford, where he attended school and graduated from Waterford High School in 2001. As his principal, Don Macrino, said, ''He was a hard worker at school, but when he got into the service, I think that was a place where he felt he could really make his mark.''

He joined the Army in 2004 and was deployed twice to Afghanistan—the first tour in December 2008—and returned again this year in March before he perished a few weeks ago.

Ari Cullers' passing reminds us of the sacrifices that have been made and that continue to be made by our military overseas. Last Thursday, the day before Veterans Day, there was a huge outpouring of support from Waterford's townspeople, who lined the streets. They knew Ari; his mother, Robin; and his brother, Jacob, who himself has served a tour of duty in Iraq. There were many there who did not know Ari but who wanted to pay respect for his sacrifice and service.

I ask my colleagues to join them in honoring Ari Cullers' life and service to our Nation and in extending our condolences to his family.

SANDY PERL

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

Mr. DOLD. Madam Speaker, I rise today to congratulate Sandy Perl for

receiving the AJC's prestigious Judge Learned Hand Human Relations Award. The Learned Hand Award is presented to leaders in the legal profession who display the highest principles and ideals of humanitarianism and betterment of the community.

In both his professional and community activities, Sandy Perl has shown that he carries on in this proud tradition. A native of the 10th District of Illinois, Sandy has served in a number of leadership roles at his firm and is consistently recognized as one of the top lawyers in his industry.

But what makes Sandy stand out for this well-deserved recognition is his commitment to civic and charitable causes. Through his active leadership in organizations such as the Jewish Federation and the Golden Apple Foundation, which recognizes excellence in teaching, and through his work on global issues with the Chicago chapter of the AJC and with the American Israel Public Affairs Committee, Sandy has dedicated himself to improving his community and fighting for important causes worldwide.

I want to congratulate my friend Sandy Perl on this tremendous honor, the Learned Hand Award.

PASSING THE AMERICAN JOBS ACT

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

Mr. CARNAHAN. It has been 45 weeks since the Republican Party took control of this House, and they still haven't passed a serious jobs bill. In fact, it's just the opposite. They've blocked proposals that will put millions back to work—to play political games while people are hurting and to attack the President's job instead of creating jobs.

Last week, we honored those who have fought to protect our country, many of whom are returning to a tough job market. That's why, this week, my office held a veterans' job seminar in St. Louis. When our troops return home, they deserve our promises kept.

The American Jobs Act will get more than 1 million Americans back to work—teachers, firefighters, police, construction workers. It will encourage small businesses to grow and hire.

Next week, we will celebrate Thanksgiving—a holiday that brings families and communities together. As well next week, I hope those in this people's House, who have so clearly lost touch, will hear loud and clear from the people they represent and will come back with renewed focus to pull together in order to tackle the common challenges we face as a Nation.

SMALL PROGRESS IN THE SENATE ISN'T SUFFICIENT

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

Mr. HULTGREN. Madam Speaker, I was pleased to see that last week the Senate finally followed the House and passed one of our pro-growth bills; but while repealing the 3 percent withholding tax is a step in the right direction, it's not enough. We've sent them more than 20 other bills, each of which would stimulate job creation and a pro-growth environment.

These aren't ideological bills. They're commonsense pieces of legislation that were passed with bipartisan support. They would get government bureaucrats off the backs of small businesses and enable the private sector to invest and grow their businesses, putting Americans back to work and getting our economy moving again.

I hope the Senate will listen to the American people and pass the 20 bills that we've sent to them.

POST OFFICE CLOSURES

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

Mr. SIRES. Madam Speaker, I rise today to express my deep concern about the closure of post offices across this country.

For decades, the post office has sustained and created American jobs in every corner of this country. Closing these vital institutions will not only hurt our economy, but it will devastate American families who rely on these jobs.

The closing of thousands of post offices will adversely affect minorities who live in low-income neighborhoods; it will affect the elderly, who need post offices within walking distance in order to send letters to their families; and it will affect small business owners who use the U.S. Postal Service as a way to conduct business. Additionally, rural communities, the hardest hit by the economic downturn, will see the greatest number of closures, causing their communities to further suffer.

It has been reported that if 10,000 of the smallest post offices were closed the postal service would only save 1 percent of its total yearly budget. Furthermore, the United States Postal Service branch closings would mean that approximately 5,000 postal employees would lose their jobs.

If we are serious about economic recovery, we must save post offices, which provide jobs to thousands of Americans; and we must make the necessary reforms to strengthen our postal service.

THE SENATE MUST PASS REPUBLICAN JOBS BILLS NOW

(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. Madam Speaker, I have breaking news for President Obama and Senate Democrats:

House Republicans have passed more than 20 bills that would create much needed jobs, but the Democrat-controlled Senate won't even consider them.

The hardworking people of eastern and southeastern Ohio are ready to get back to work. In fact, they've been ready. So I'm serious about creating and protecting jobs now. That's why I was proud to introduce the Coal Miner Employment and Domestic Energy Infrastructure Protection Act, which would prevent the Obama administration from enacting more job-killing regulations.

This administration's war on America's coal industry will be devastating to eastern and southeastern Ohio. Up to 27,000 direct and indirect coal jobs are at risk from the administration's proposed rewrite of the stream buffer zone rule—and that's just one regulation.

This bill is part of the House Republican jobs plan that you can find at jobs.gop.gov. I urge the Senate to get to work and to pass these important bills now.

MR. DANIEL FOSTER AND LACK OF BENEFIT DISBURSEMENT FROM DEPARTMENT OF VETERANS AFFAIRS

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

Ms. LORETTA SANCHEZ of California. I rise today to recognize Mr. Daniel Foster, the recipient of a Silver Star and a Purple Heart, and who is a veteran of both Iraq and Afghanistan. However, he has waited more than 1 year to receive his benefits that he both deserves and has earned, because the Department of Veterans Affairs has lost his benefit application over and over and over, person by person.

As a result of this carelessness with Mr. Foster's files, he was unable to receive his VA benefit checks for the last year, and he was not able to pay the mortgage on his disabled father's home in Costa Mesa, California, where he resides with his father. Now the home is scheduled to be foreclosed on November 23, the day before Thanksgiving.

Mr. Foster does not reside in my district, but he came and asked for help. I am happy to say that Representative ROHRABACHER, Mr. Foster's Representative, has now opened a case on his behalf. As a member of the House Armed Services Committee, I work every day to ensure that our veterans receive the benefits they need and deserve. So I will continue to follow Mr. Foster's case and will encourage veterans in my district who are experiencing these types of difficulties to please contact us at our Garden Grove office.

□ 1230

HONORING THE CORPUS CHRISTI VETERANS BAND

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

Mr. FARENTHOLD. Madam Speaker, it is my honor to recognize the Corpus Christi Veterans Band, under the direction of Ram Chavez, for being awarded Advocate of the Year by Corpus Christi Mayor's Committee for Veterans Affairs. The Corpus Christi Veterans Band performs all around the Coastal Bend to honor and pay tribute to America's military troops and veterans.

The Corpus Christi Veterans Band has been performing for over 20 years at various ceremonies, receptions, tributes, and funerals and has demonstrated sincere dedication to honoring south Texas veterans. Their flag ceremony is one of the most moving performances I have ever attended. The men and women of the band personally fund their group to inspire patriotism and remind Americans of the courage and sacrifices that our servicemen and -women make to keep this great Nation free.

Their constant dedication and support of our veterans, our community, and our Nation is one that every American can learn from. I'm proud to represent such a fine group of American patriots, the Corpus Christi Veterans Band.

POLLUTING AIR AND WATER WILL NOT CREATE 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, under pressure from the American people, the Republican majority in this House is running around with 15 or 20 bills that they claim to be jobs bills which, of course, they are not. If you look at them, you will see that they are bills that allow polluters to dirty our waters and to fill our air with toxins.

Now, the Bureau of Labor Statistics, which actually studies this stuff, asks employers, Why are you not hiring? Why have you gotten rid of people? Nowhere in those answers do we hear the words ''too much regulation.'' It's a canard. Bruce Bartlett, conservative economist and member of the Reagan administration, said that the Republican Party is taking advantage of the need for jobs to push a deregulatory agenda.

It is time to get serious about jobs and not try to fool the American people that filling our water with toxins and making our air polluted is somehow good for this country or good for jobs.

OCCUPY WALL STREET PROTESTS

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

Mr. McDERMOTT. Madam Speaker, 8 days from now is Thanksgiving. We're all going to sit down to a nice plump turkey and enjoy ourselves.

Well, not everybody. All across this Nation, we're seeing people protest. They're young people, middle-aged people, and older people—even parents with kids—and these folks are mad. They're seeing Wall Street companies profit after getting us into the economic mess we have; and, at the same time, they're among the millions of people in this country who are unemployed, that are still without a job. There are four people looking for every job out there. It's not easy. And Congress, the Republicans, are sitting on their hands again. We're coming up to the end of the year.

I want my Republican colleagues to take notice: If you continue to push the unemployed and struggling Americans and, instead, focus on tax breaks for corporations and the wealthy, the Occupy movement will be in your districts, on your doorsteps next November. Unemployment benefits should be extended immediately.

EMERGENCY UNEMPLOYMENT COMPENSATION EXTENSION

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

Mr. PETERS. I rise today in support of H.R. 3345, an act to continue the current Federal unemployment programs through next year. If Congress doesn't act by the end of the year, Americans who have lost their jobs through no fault of their own will begin losing their unemployment benefits in January. Tens of thousands of Michiganders will lose their benefits by February. These benefits are their lifeline for necessities like groceries, utilities, and rent or mortgage payments. Once these families can no longer pay for basic necessities, it will create a ripple effect, costing nearly a million U.S. jobs nationwide.

Poverty is at its highest level since 1993, and middle class household incomes are at their lowest level since 1997. Unemployment benefits have kept over 3 million Americans, including 1 million children, out of poverty last year. And now the Republicans are willing to let these necessary benefits expire.

Madam Speaker, as we approach the holiday season and millions of Americans are worried about paying their rent, I urge my colleagues to support this bill and keep millions of Americans out of poverty.

TAKING CARE OF VULNERABLE AMERICANS

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

Mr. RANGEL. My colleagues, some of you may have read that the protesters at Wall Street are now being subjected to attacks by the police and law enforcement for loitering and other violations. There is no question in anyone's mind that the right to free speech has restrictions and it's not an open end and we have to be considerate of the people who are adversely affected. But there is also a moral issue, in addition to the constitutional issue, that no one can challenge that these protesters have brought to the attention of the American people: the fact that we have a moral obligation to take care of those people who are vulnerable, take care of those people who are sick, take care of the people that are aged and our children, not just before birth but after birth. The fact that we are talking about turning these questions over to 12 Members of Congress—it's not just unconstitutional; it is immoral.

So I'm calling on the spiritual leaders of our country: Don't leave this vacuum. Bring in the Catholics and Protestants and all the religions to say there's something wrong with the formula that we have for the poor.

UNEMPLOYMENT INSURANCE EXTENSION

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

Mr. LEWIS of Georgia. Madam Speaker, recently Atlanta Magazine gave a voice to the jobless in America. The words of one person speaks for millions. ''Unemployment dehumanized the real person,'' one American writes. ''You lose the essence of your identity and value. You become a number, a label, a resume, a failure, a defect, desperate, poor, and separated from society. Being unemployed is to be silently disrespected, on par with being homeless, mentally ill, or addicted.''

Today we speak for millions of Americans who will be pushed to the edges of our society, locked out and left behind, if we fail to act.

The jobless in America elected us so that they would have a voice in these debates. They are not points on a graph or numbers on a page. They are human beings. We must not abandon the people of this Nation. We must pass the unemployment insurance extension and do it without delay.

Wake up, Congress. Wake up, and do what is right.

LACK OF JOBS, NOT LACK OF DESIRE

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

Mr. DOGGETT. As families gather this next week for Thanksgiving, some 6 million Americans will be left wondering whether they will be able to secure a job before their Federal unemployment coverage expires. They are

people like Jesse, a retired Navy veteran in San Antonio who has applied for over 300 jobs unsuccessfully.

Sadly, some Republicans continue to blame the unemployment problem on the unemployed, even though there are about four people for every job opening in America today. Too many remain jobless, not for lack of wanting to work, but for a lack of work.

Let's continue to encourage more job creation. But for those who lack a job, we also must preserve the lifeline of extended unemployment benefits. It's only the turkey that ought to be carved at Thanksgiving, not the unemployed's ability to share in the bounty of America.

□ 1240

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT

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

Mr. ALTMIRE. Madam Speaker, today the House considers the National Right-to-Carry Reciprocity Act. I'm a proud cosponsor of this bill because it will protect Americans' Second Amendment rights by allowing citizens who have a valid permit to carry a firearm in any State in the country with a concealed carry law. The Second Amendment applies to law-abiding citizens all across America, and this reciprocity act will protect Americans' rights as they travel throughout the country.

Law-abiding citizens in western Pennsylvania should be allowed to exercise their constitutional rights even when they leave the Commonwealth's borders. All Americans have an individual right to bear arms that is protected by the Constitution.

I urge my colleagues to support the Second Amendment and vote for the National Right-to-Carry Reciprocity Act.

JOB CREATION

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

Mr. LANGEVIN. Madam Speaker, first of all, I want to join with my colleague from Rhode Island, Mr. CICILLINE, in extending my condolences to the family of Julius Michaelson, former attorney general of Rhode Island, a dedicated public servant, someone who truly made a difference to the people of our State. He made a difference, and he will be greatly missed.

Madam Speaker, next week Americans will be celebrating Thanksgiving with their families. Unfortunately, far too many will be preoccupied with the uncertainty of being unemployed and finding ways just to put food on the table.

Our country currently has a 9 percent unemployment rate, and there are four unemployed workers for every open job right now. In my home State of Rhode Island, our unemployment rate continues to hold steady above the national average at 10.5 percent.

Madam Speaker, where is the urgency on job creation? The House just returned from its 11th scheduled recess of the year. With only 45 days left until the end of the year, the Republican-led House has failed to take any meaningful action to spur job creation this year.

Our constituents deserve better than this. The American people are demanding more than this. Congress must put partisan politics aside and focus on growing our economy and creating new job opportunities and getting this country back on track. It is our obligation to do this, and we need to do it now.

DETROIT JOBS TRUST FUND

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

Mr. CLARKE of Michigan. Madam Speaker, I am very concerned about reports that the city of Detroit may be running out of money as early as April of next year.

One of the problems Detroit is facing is that too many of our tax dollars are going to pay off debt owed by the city and owed by the schools at the very time we need to put more police officers, more firefighters, and more emergency medical providers on the street; at a time when we need to hire more school teachers and open more schools that will truly educate and graduate our young people.

That's why I'm urging this Congress, this House specifically, to adopt the Detroit Jobs Trust Fund. And I want to thank you personally, Madam Speaker, for the leadership and vision in supporting this legislation which would allow Federal tax dollars paid by Detroiters to be invested in Detroit, invested to cut taxes to make our streets safer and our schools stronger. This will not only help put Detroiters back to work; it will help our country because when you rebuild Detroit, you renew America.

RECESS

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

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1303

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan) at 1 o'clock and 3 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

3% WITHHOLDING REPEAL AND JOB CREATION ACT

Mr. CAMP. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

Sec. 201. Short title.

Subtitle A—Retraining Veterans

Sec. 211. Veterans retraining assistance program.

Subtitle B—Improving the Transition Assistance Program

Sec. 221. Mandatory participation of members of the Armed Forces in the Transition Assistance Program of Department of Defense.

Sec. 222. Individualized assessment for members of the Armed Forces under transition assistance on equivalence between skills developed in military occupational specialties and qualifications required for civilian employment with the private sector.

Sec. 223. Transition Assistance Program contracting.

Sec. 224. Contracts with private entities to assist in carrying out Transition Assistance Program of Department of Defense.

Sec. 225. Improved access to apprenticeship programs for members of the Armed Forces who are being separated from active duty or retired.

Sec. 226. Comptroller General review.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

Sec. 231. Two-year extension of authority of Secretary of Veterans Affairs to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.

Sec. 232. Expansion of authority of Secretary of Veterans Affairs to pay employers for providing on-job training to veterans who have not been rehabilitated to point of employability.

Sec. 233. Training and rehabilitation for veterans with service-connected disabilities who have exhausted rights to unemployment benefits under State law.

Sec. 234. Collaborative veterans' training, mentoring, and placement program.
Sec. 235. Appointment of honorably discharged members and other employment assistance.
Sec. 236. Department of Defense pilot program on work experience for members of the Armed Forces on terminal leave.
Sec. 237. Enhancement of demonstration program on credentialing and licensing of veterans.
Sec. 238. Inclusion of performance measures in annual report on veteran job counseling, training, and placement programs of the Department of Labor.
Sec. 239. Clarification of priority of service for veterans in Department of Labor job training programs.
Sec. 240. Evaluation of individuals receiving training at the National Veterans' Employment and Training Services Institute.
Sec. 241. Requirements for full-time disabled veterans' outreach program specialists and local veterans' employment representatives.
Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights
Sec. 251. Clarification of benefits of employment covered under USERRA.
Subtitle E—Other Matters
Sec. 261. Returning heroes and wounded warriors work opportunity tax credits.
Sec. 262. Extension of reduced pension for certain veterans covered by Medicaid plans for services furnished by nursing facilities.
Sec. 263. Reimbursement rate for ambulance services.
Sec. 264. Extension of authority for Secretary of Veterans Affairs to obtain information from Secretary of Treasury and Commissioner of Social Security for income verification purposes.
Sec. 265. Modification of loan guaranty fee for certain subsequent loans.
TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS
Sec. 301. One hundred percent levy for payments to Federal vendors relating to property.
Sec. 302. Study and report on reducing the amount of the tax gap owed by Federal contractors.
TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY
Sec. 401. Modification of calculation of modified adjusted gross income for determining certain healthcare program eligibility.
TITLE V—BUDGETARY EFFECTS
Sec. 501. Statutory Pay-As-You-Go Act of 2010.

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the ''VOW to Hire Heroes Act of 2011''.

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) JOINT AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who participated; and

(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than $2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

''(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

''(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries' articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

''(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit's imminent deployment.''.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking ''may'' and inserting ''shall''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individualized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

''§4113. Transition Assistance Program personnel

''(a) REQUIREMENT TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

''(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

''(1) Counseling.

''(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

''(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

''(4) Other related information and services under such section.

''(5) Such other services as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

''4113. Transition Assistance Program personnel.''.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''public or private entities; and'' and inserting ''public entities;'';

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

''(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

''(A) private sector culture, resume writing, career networking, and training on job search technologies;

''(B) academic readiness and educational opportunities; or

''(C) other relevant topics; and''.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.''.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking ''who have been rehabilitated to the point of employability''.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking ''A person'' and inserting the following:

''(a) IN GENERAL.—A person''; and

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

''(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

''(A) the person is described by paragraph (1) or (2) of subsection (a); and

''(B) the person—

''(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

''(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

''(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

''(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

''(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

''(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

''(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

''(3) In this subsection, the terms 'compensation', 'regular compensation', 'benefit year', 'State', 'State law', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.''.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking ''Except as provided in subsection (c) of this section,'' and inserting ''(1) Except as provided in paragraph (2) and in subsection (c),''; and

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

''(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.''.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking ''in subsection (b), (c), or (d)'' and inserting ''in subsection (b), (c), (d), or (e)'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

''(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

''(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) COMPTROLLER GENERAL REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

''§4104A. Collaborative veterans' training, mentoring, and placement program

''(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

''(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

''(1) collaborate with—

''(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

''(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

''(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

''(1) information describing how the organization will—

''(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

''(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

''(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

''(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

''(d) REPORTS.—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

''(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

''(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

''(i) veterans who applied for training under this section;

''(ii) veterans who entered the training;

''(iii) veterans who completed the training;

''(iv) veterans who were placed in meaningful employment under this section; and

''(v) veterans who remained in such employment as of the date of the assessment; and

''(B) submit to the appropriate committees of Congress a report that includes—

''(i) a description of how the grant recipients used the funds made available under this section;

''(ii) the results of the assessment conducted under subparagraph (A); and

''(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,500,000 for the period consisting of fiscal years 2012 and 2013.

''(f) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means—

''(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

''(B) the Committee on Veterans' Affairs and the Committee on Education and Workforce of the House of Representatives; and

''(2) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.''.

(b) CONFORMING AMENDMENT.—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''and facilitate placements'' after ''intensive services''; and

(2) by adding at the end the following:

''(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

''4104A. Collaborative veterans' training, mentoring, and placement program.''.

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

''§2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

''(a) VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(b) DISABLED VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as

a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(c) PREFERENCE ELIGIBLE.—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting '', except as provided under section 2108a,'' before ''who has been'';

(ii) in paragraph (2), by inserting ''(except as provided under section 2108a)'' before ''has been separated''; and

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or section 2108a(c)'' after ''paragraph (4) of this section''.

(B) TABLE OF SECTIONS.—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

''2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.''.

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code; and

(B) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) REPORT.—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) IN GENERAL.—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Assistant Secretary shall'' and inserting ''Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,'';

(ii) by striking ''not less than 10 military'' and inserting ''not more than five military''; and

(iii) by inserting ''for Veterans' Employment and Training'' after ''selected by the Assistant Secretary''; and

(B) in paragraph (2), by striking ''consult with appropriate Federal, State, and industry officials to'' and inserting ''enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and''; and

(3) by striking subsections (d) through (h) and inserting the following:

''(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.''.

(b) STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking ''clause (1)'' and inserting ''paragraph (1)'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period and inserting ''; and''; and

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

''(7) performance measures for the provision of assistance under this chapter, including—

''(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

''(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

''(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

''(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

''(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.''.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: ''Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.''; and

(2) by amending subsection (d) to read as follows:

''(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

''(A) an analysis of the implementation of providing such priority at the local level;

''(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

''(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

''(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.''.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

''(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.''.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, as added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(c) CONSOLIDATION.—Section 4102A of such title is amended by adding at the end the following new subsection:

''(h) CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

''(1) the Governor determines, and the Secretary concurs, that such consolidation—

''(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

''(B) does not hinder the provision of services to veterans and employers; and

''(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.''.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting ''the terms, conditions, or privileges of employment, including'' after ''means''.

Subtitle E—Other Matters

SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking ''$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' and inserting ''$12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), $14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and $24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))''.

(b) RETURNING HEROES TAX CREDITS.—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of clause (i),

(2) by striking the period at the end of clause (ii)(II), and

(3) by adding at the end the following new clauses:

''(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

''(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(c) SIMPLIFIED CERTIFICATION.—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) CREDIT FOR UNEMPLOYED VETERANS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

''(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(II) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

''(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

''(ii) REGULATORY AUTHORITY.—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary's discretion.''.

(d) EXTENSION OF CREDIT.—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) after—

''(i) December 31, 2012, in the case of a qualified veteran, and

''(ii) December 31, 2011, in the case of any other individual.''.

(e) CREDIT MADE AVAILABLE TO TAX-EXEMPT ORGANIZATIONS IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''(1) IN GENERAL.—'' before ''No credit'', and

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

''(2) CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT ORGANIZATIONS EMPLOYING QUALIFIED VETERANS.—For credit against payroll taxes for employment of qualified veterans by qualified tax-exempt organizations, see section 3111(e).''.

(2) CREDIT ALLOWABLE.—Section 3111 of such Code is amended by adding at the end the following new subsection:

''(e) CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.—

''(1) IN GENERAL.—If a qualified tax-exempt organization hires a qualified veteran with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during the applicable period an amount equal to the credit determined under section 51 (after application of the modifications under paragraph (3)) with respect to wages paid to such qualified veteran during such period.

''(2) OVERALL LIMITATION.—The aggregate amount allowed as a credit under this subsection for all qualified veterans for any period with respect to which tax is imposed under subsection (a) shall not exceed the amount of the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during such period.

''(3) MODIFICATIONS.—For purposes of paragraph (1), section 51 shall be applied—

''(A) by substituting '26 percent' for '40 percent' in subsection (a) thereof,

''(B) by substituting '16.25 percent' for '25 percent' in subsection (i)(3)(A) thereof, and

''(C) by only taking into account wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the organization's exemption under section 501.

''(4) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the organization.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'qualified tax-exempt organization' means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

''(B) the term 'qualified veteran' has meaning given such term by section 51(d)(3).''.

(3) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—The credit allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''May 31, 2015'' and inserting ''September 30, 2016''.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.''.

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

SEC. 265. MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) IN GENERAL.—Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (iv), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(B) by striking clauses (ii) and (iii);

(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking ''October 1, 2013'' and inserting ''October 1, 2016'';

(3) in subparagraph (C)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(4) in subparagraph (D)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) November 18, 2011; or

(2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

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

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury, or the Secretary's delegate, in consultation with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) MATTERS STUDIED.—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

(i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) Recommendations on ways to better identify Federal contractors with delinquent tax debts.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(c) NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury, or the Secretary's delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury or the Secretary's delegate estimates that such amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

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

I come to the floor today in support of permanently repealing the onerous, job-killing 3 percent withholding law. During House action last month, this legislation garnered more than 400 votes for repeal and passed, as amended, with an overwhelming 95 votes in the Senate last week.

The legislation, which has been championed by Ways and Means Health Subcommittee Chairman WALLY HERGER and our Democrat colleague EARL BLUMENAUER, is supported by President Obama and makes clear that when we work together, we can find bipartisan solutions to the laws and regulations that stifle job creation. This legislation does just that and frees up valuable resources businesses can use for hiring.

In addition to the provisions in the House-passed 3 percent withholding bill, the Senate amendment contains a variety of veterans-related provisions—a group of Americans clearly deserving of our support.

Finally, the Senate amendment retains another provision passed by this House with bipartisan support and authored by one of the newest members of the Ways and Means Committee, Representative DIANE BLACK. Mrs. BLACK's legislation modifies the income definition for determining eligibility for exchange subsidies, Medicaid, and the Children's Health Insurance Program, conforming the definition of income in the Democrats' health care law to the standards used by other Federal low-income programs such as food stamps and public housing. In doing so, taxpayers save $13 billion, and Medicaid funds will not be diverted away from serving America's low-income families.

Madam Speaker, today we can take the final step and send this deficit-reducing and job-creating legislation to the President's desk. I urge my colleagues to vote ''yes'' on the Senate amendment to H.R. 674, and I look forward to seeing the President sign this bill into law.

I ask unanimous consent that the gentleman from California (Mr. HERGER) control the balance of my time.

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

There was no objection.

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

I believe this bill will pass with overwhelming support. Nearly everyone agrees that the 3 percent withholding provision should be repealed. It was a misguided approach when it was enacted by the last Republican Congress and it is misguided now. That is why we tried to repeal it earlier and ultimately delayed its implementation. Its repeal, however, should not be claimed as a significant jobs bill. As economist Mark Zandi has said, ''I don't think it's meaningful in terms of jobs. It's more trying to clean up something that needs cleaning up.''

The veterans provisions added by the Senate are a real jobs bill. They are a useful start in helping those who have loyally served our Nation find work, and I would hope all of us support them, including the tax credits to encourage businesses to hire veterans.

Most on our side support these provisions, and they were included in the President's jobs proposal. But no one should consider these modest steps as a substitute for action on the President's comprehensive jobs plan, which Republicans have so far blocked.

The President's jobs plan includes a payroll tax cut that would save the average family $1,500 a year. It includes tax credits for hiring the long-term unemployed, payroll tax cuts for hiring, and incentives to invest. It includes an infrastructure bank, and $75 billion to build roads and schools. That's a jobs agenda that could help many of the 14 million Americans who are still looking for work. Picking out two of the smaller pieces of that agenda and saying you've acted on the President's jobs bill is really disingenuous. The 3 percent withholding repeal and the veterans provisions are things we should do, but we must do much more.

□ 1310

Millions are counting on us to do more. So passage of this bill today represents a challenge to the majority in this House. End your blockade of comprehensive jobs legislation as proposed by the President of the United States.

I reserve the balance of my time.

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

I rise in strong support of H.R. 674. Members of this House are well aware of why the 3 percent withholding tax must be repealed. It threatens to destroy the cash flow of thousands of small businesses that sell goods and services to the government agencies and impose additional costs on cash-strapped State and local governments.

Today I want to talk about the big picture and why this is so important for job creation. Americans are hurting. Nearly 14 million are unable to find work, and millions more are stuck in part-time jobs, even though they would like to work more. We are now well into the fourth year of this downturn, and many Americans are increasingly discouraged about the long-term future of our economy.

America's job creators are hurting too. Today, thousands of small business owners will sit down, look over their books, and try to discern what the future holds. They are uncertain about whether there will be sufficient demand for their goods and services. They are uncertain about how Europe's fiscal crisis will affect our economy and whether we will do what is needed to address our own debt crisis before it's too late. And they're uncertain about the direction of government policy, whether Washington will continue to hand down new taxes and regulations that stifle economic growth.

The 3 percent withholding tax is an example of the kind of government policies that discourage job creation. When small business owners are evaluating whether their investments will allow them to make a living, it matters if a new tax is going to cut off their cash flow in just over a year.

Repealing this tax is one important step. It sends a message to America's job creators that jobs are our number one priority and that Congress is committed to undoing policies that stand in the way of restoring prosperity.

I reserve the balance of my time.

Mr. LEVIN. I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), a distinguished member of our committee.

Mr. LEWIS of Georgia. Madam Speaker, the most important task we face today is helping Americans get back to work. People stop me all over metro Atlanta and tell me how long they've been looking for work, how many applications they have filled out, how many resumes they have sent.

And with the unemployment rate for Iraq and Afghanistan veterans over 12 percent, Senator TESTER's amendment is a good start. It is a necessary start. These are people who want to work, who need to work. They don't want a handout; they want a job.

These men and women put on that uniform to serve and protect our country. We can and must do more to honor their service. It is simply the right and good thing to do.

Now, I must say, Madam Speaker, that I strongly object to the Republican effort to stain a bipartisan bill with a partisan poison pill, making it more difficult for America's seniors to get private health insurance and Medicaid. It is not right, it is not fair, and it is not just.

Mr. HERGER. Madam Speaker, I yield 3 minutes to the gentlewoman from Tennessee (Mrs. BLACK), who has been instrumental in working on this legislation and coming up with savings that we can do to see that it is paid for.

Mrs. BLACK. Thank you, Chairman HERGER.

Madam Speaker, I would like to begin by saying that I am extremely proud that my legislation is part of this very worthy, bipartisan jobs package.

Congress can and should work together to find common ground and forward solutions-based legislation like what we are considering right here. Today the House will pass a package that not only creates more certainty for small business, encourages hiring of our Nation's veterans, but is also paid for, thanks to my legislation, that repeals a costly glitch in the health care law. And this is more than deficit neutral. This legislation will save billions of dollars.

I've spoken on the floor of the House previously about my cost-saving legislation that is now part of this package. When the Affordable Care Act was passed, few realized that this legislation contained a loophole that would allow middle class Americans to receive Medicaid benefits. The new income formula that determines eligibility for government subsidized health insurance, the Modified Adjusted Gross Income, or MAGI, deviated from other Federal assistance programs, failing to include Social Security benefits as income.

Under the health care law, a married couple with an annual income of over $60,000 could qualify to receive Medicaid benefits. Let me put it in more stark terms. Changing the income formula could result in individuals whose incomes are up to 400 percent of the poverty level receiving Medicaid. This is unacceptable. I very strongly believe that it is our duty to ensure that the very scarce Medicaid resources are there for those in most need.

Again, let me state that the Affordable Care Act income formula for Medicaid, CHIP, and exchange subsidies deviated from the eligibility requirements for other Federal assistance programs. Supplemental Social Security Income; Supplemental Nutrition Programs, known as food stamps; Temporary Assistance for Needy Families; and public housing all include the entire Social Security benefit as income.

My legislation, now a part of this package, adds Social Security benefits back into the equation, realigning Medicaid with the other programs and stopping these improper payments before they occur.

Closing the loophole in Medicaid will save $13 billion over 10 years according to the Congressional Budget Office. And by adding my legislation into this package that includes the 3 percent withholding repeal and the veterans tax deductions, this package will save vital tax dollars.

Madam Speaker, I'd like to take a moment to praise other sections of this bill. And on the heels of Veterans Day, I cannot think of a better time for Congress to step forward and help our veterans get to work. As a wife, mother, and daughter of veterans, I know how important it is that we support those brave men and women who fought for our country.

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

Mr. HERGER. I yield the gentlewoman 1 additional minute.

Mrs. BLACK. I thank the gentleman.

I hope that this bipartisan, bicameral veterans legislation is just the beginning of more veterans bills getting passed by Congress.

Veterans who return home to us and seek work should be able to find it. With our economic recovery sluggish, at best, my colleague Mr. HERGER's 3 percent withholding repeal will go a long way to create more certainty for small business. Taxing business at 3 percent is something we cannot afford.

I look forward to this legislation and the entire package being signed into law by the President as soon as possible. We should not have to wait for these commonsense, bipartisan solutions to go into effect.

Mr. LEVIN. Madam Speaker, it is now my real pleasure to yield 2 minutes to the gentleman from California (Mr. FILNER), a gentleman who has worked so hard on veterans issues.

Mr. FILNER. Thank you, Mr. LEVIN, and I appreciate the time. And thank you, Mr. HERGER, for bringing us this bill.

I rise in support of H.R. 674. Every day I get phone calls and letters from veterans telling me how rewarding their service was and what an invaluable experience they received in the military. But they are confused as to why potential employers don't value their time and service and why they get rejection letters for jobs they are qualified to perform.

These veterans are highly skilled individuals who are ready to make an immediate impact to any job. Veterans bring real-world experience to any company and, unfortunately, employers fail to see this value.

In August of this year, the President proposed a comprehensive plan to decrease the veteran unemployment rate. Part of his plan includes a tax credit for employers, and I'm happy to see that Senator MURRAY included this in H.R. 674. It would provide a tax credit for firms that hire certain unemployed veterans, and these tax credits are a win for veterans and a win for the companies. The credits will incentivize struggling businesses that need to increase their work force to hire veterans while getting a tax deduction.

□ 1320

The bill also provides veterans with training, mentoring, and placement services and allows for the appointment of honorably discharged veterans to the civil service. I'm happy to see H.R. 674 move forward because it will provide individualized assessments for servicemembers in the Transitional Assistance Program, increase access to apprenticeship programs for separating servicemembers, provide authority to the VA to provide services to servicemembers with severe injuries, and many other positive programs that will help veterans.

The President's message was clear. We must fight for our servicemembers and veterans by enacting legislation that will help veterans get jobs.

I hope that all of my colleagues will join me in supporting H.R. 674.

Mr. HERGER. Madam Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MILLER), the chairman of the Veterans' Affairs Committee.

Mr. MILLER of Florida. I thank the gentleman for yielding.

As chairman of the House Veterans' Affairs Committee, I do stand today in the strongest possible support of the Senate amendment to H.R. 674, which includes the provision of the bipartisan and bicameral VOW to Hire Heroes Act of 2011.

This bill contains many provisions of H.R. 2433, the Veterans Opportunity to Work Act, or the VOW Act, which was introduced in July and passed the House by an overwhelming majority just last month.

The VOW Act honors the 1 percent of Americans who, as veterans, have signed a blank check in the amount of up to and including their lives and payable to the other 99 percent of Americans. In return for that investment, too many of them, veterans of every working age generation, are finding themselves unemployed or seriously underemployed due to the current economic downturn. Unfortunately, today's economy has eliminated millions of jobs, many of which will unfortunately never return.

Regardless of the reason, nearly one million veterans need help in acquiring the skills needed for today's job market. That is what the VOW to Hire Heroes Act will do in a very comprehensive and cost-effective manner.

There are millions of jobs going unfilled right now because employers can't find workers with the right skills. I'm proud that a major provision of the VOW to Hire Heroes Act will give nearly 100,000 veterans a chance to gain the new skills that are in demand for today's jobs. And these jobs are not just in high-tech fields. Many are in the trades. Many are in fields that cannot be moved overseas, like transportation. And this bill helps provide the training needed to complete and compete for these types of jobs without adding new programs.

In fact, the two major provisions of this bill essentially recycle two existing well-regarded education and training programs, the Montgomery GI Bill and the Vocational Rehabilitation and Employment Program. That will make use of existing staff and current regulations.

As I said, this Act takes a comprehensive approach. For those just leaving the service, this bill would vastly improve the Transition Assistance Program, or TAP, as it's known, by adding personal skills assessment and improved skills crosswalks into civilian occupations.

The bill would also begin the process of working with the States to help standardize occupational licensing and credentialing, a major bottleneck that often wastes millions of dollars spent on our military training.

For the disabled veterans who have completed VA's Voc Rehab and Employment Program and who have exhausted their unemployment benefits, the bill would offer up to an additional year of vocational rehabilitation.

Madam Speaker, I want to thank the chair of the Senate Committee on Veterans Affairs, Senator PATTY MURRAY, for her insight in including the vocational rehabilitation benefits as part of the compromise bill. I have two final points. The first is, this bill is paid for both mandatory and discretionary. We have worked with the veteran services organizations in order to find the pay-for provisions, and they understand the urgency to help veterans become employed, and I thank them for their support of this legislation.

Secondly, Madam Speaker, I would like to thank Chairman CAMP. I know his plate is full right now, and I thank him most sincerely for helping bring this to the floor.

Mr. LEVIN. Madam Speaker, I yield 2 minutes to a very distinguished member of our committee and a cosponsor of the amendment that we now add to the original bill, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. It is a pleasure to be on the floor with my partner on this legislation, the gentleman from California (Mr. HERGER), being able to see it finally brought to fruition. It was actually made a little better with the inclusion of these important provisions for our veterans.

I am hopeful that we will act with dispatch and approve it unanimously. But I hope we can also focus on what this chapter represents. It was something, in terms of working with the gentleman from California, moving this through Congress, that it seemed to me that there are three elements that we ought to focus on going forward.

First and foremost, that same spirit that has resulted in being able to fix and improve this legislation ought to be focused on how we rebuild and renew America. Because so many of the businesses and governments that were going to be pounded with this 3 percent withholding are struggling to deal with challenges that they face.

There are hundreds of thousands of veterans that could potentially be at work rebuilding and renewing America. We are in a precarious position in terms of our competitiveness internationally, with problems of congestion, pollution. I am hopeful that this same spirit focused here can be focused on this major effort to rebuild and renew America that can help revitalize the economy while it improves our communities.

Second, we need to take a hard look at flaws in how we score legislation. This piece of legislation that we were looking at, part of the challenge was to have some sort of offset because it was going to ''cost government money.'' Well, as a practical matter that is not the case because the CBO rules never take into account how much it would cost to implement it. And as a result of the hearings with Mr. HERGER, with the small business Committee, with a whole range of sources, I am absolutely confident that it would have cost the Federal Government far more to implement it than it ever would have collected.

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

Mr. LEVIN. I yield the gentleman an additional minute.

Mr. BLUMENAUER. We need to make sure going forward we don't have these aberrations that cause us to go through these gyrations for something that on its face really is not going to yield the economic results.

Finally, I hope we can work together in the same sort of spirit, evidenced working with Mr. HERGER, Chairman CAMP, Ranking Member LEVIN, to deal with the broader picture of how we're going to solve the long-term problems of our budget deficit and our flawed revenue system. We can reform our system, give a balanced program that both reforms and raises revenues, that changes how we do business. I'm convinced that this is within the capacity of those of us in Congress, and today's positive vote on this legislation is a little indication of how it can be done.

Mr. HERGER. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. STUTZMAN), the chairman of the Veterans' Affairs Subcommittee on Economic Opportunity.

Mr. STUTZMAN. I thank the chairman for yielding.

Madam Speaker, jobs for America's veterans has become a popular topic over the past few weeks. The VOW to Hire Heroes Act is a vital first step in meeting our responsibilities to that 1 percent of Americans mentioned by VA Committee Chairman MILLER in his remarks.

For those who are in the middle of their civilian working life, gaining new skills is often problematic due to a lack of resources to fund education and training, while recently discharged veterans have the post 9/11 GI Bill's generous resources to acquire the skills now in demand. Therefore, I believe the most important provision in the VOW to Hire Heroes Act offers 99,000 unemployed veterans between the ages of 35 and 60 the resources to acquire those new skills.

To my colleagues, the veterans provisions in this bill are worthy of your support, and I urge you to join me in voting ''yes'' on the VOW to Hire Heroes Act.

The Amendment to H.R. 674, includes the VOW to Hire Heroes Act of 2011, which reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 112th Congress: H.R. 2433, as amended, (House Bill); and S. 951, as reported (Senate Bill).

H.R. 2433, as amended, passed the House on October 12, 2011. S. 951 was reported favorably out of the Senate Committee on July 18, 2011.

The Committees have prepared the following explanation of certain provisions contained in the amendment to H.R. 674, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bill and the Senate Bill are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

SUBTITLE A—RETRAINING VETERANS

VETERANS RETRAINING ASSISTANCE PROGRAM

Current Law

In general, educational assistance under the Montgomery GI Bill (Chapter 30 of title 38 United States Code (U.S.C.)) is limited by section 3031 of title 38, U.S.C., to ten years following a servicemember's last discharge from active duty in the Armed Forces.

Senate Bill

The Senate Bill contains no similar provision.

House Bill

Section 101 of H.R. 2433, as amended, would provide an opportunity for unemployed veterans ages 35 to 60 to gain new skills through a temporary expansion of eligibility for an existing education and training benefit, the Montgomery GI Bill (MGIB). This section would allow these veterans to enroll in courses at community colleges and technical training schools for up to 12 months. Education payments would be administered under the rules governing the existing MGIB and would only be payable to veterans enrolled in education or training courses that lead to an associate degree, certificate, or similar qualification, in a high growth occupation as determined by the U.S. Department of Labor (DOL).

This section would authorize the DOL and the U.S. Department of Veterans Affairs (VA) to enroll up to 100,000 unemployed veterans beginning June 1, 2011, through March 31, 2014. Veterans would be eligible to receive the monthly MGIB benefit that is in effect for up to 12 months. Payments under this section would terminate after March 31, 2014. In addition to the above mentioned age requirement, the veteran must have been discharged under conditions other than dishonorable, be unemployed as determined by the Secretary of Labor with special consideration given to those who have been unemployed for at least 26 consecutive weeks and have no eligibility for other education programs administered by VA. The House Bill includes a provision requiring program participants to certify attendance on a monthly basis as is done under the existing MGIB. This provision was included to minimize overpayments to enrollees who do not complete their course of training. This section would require DOL and VA to submit a report to the Committees on veteran participants and their employment status after participation.

Compromise Agreement

Section 211 of the Compromise Agreement generally follows the House's position except that 99,000 unique beneficiaries would be authorized under the agreement. The agreement removes any of the special considerations for eligibility listed in the House provision to simplify the administration of the program. It also directs VA and DOL to jointly carry out this program with a memorandum of agreement that includes provisions to create an appeals system for denied applicants. To provide VA and DOL with the time necessary to administer this section, a July 1 effective date is established. The Committees believe that DOL, through the state employment agencies, is the most appropriate intake point for unemployed veterans to apply for this grant program. DOL is also the appropriate entity to determine that an applicant is unemployed and whether they are currently or had been a participant in any other job training programs. Following these determinations, DOL would forward the application to VA. VA would then determine an applicant's veteran status and eligibility for other education programs administered by VA under title 38 U.S.C. and title 10 U.S.C. The Compromise Agreement also provided up to $2 million in assistance to VA for use on information technology systems. This is the amount estimated by the Congressional Budget Office to develop and maintain information technology systems to support this section. Finally, the Compromise Agreement includes the Senate Committee on Health, Education, Labor and Pension and the House Committee on Education and the Workforce in the list of committees that would receive the final report on implementation of this section.

The Committees understand that many veterans are in need of the assistance provided under section 101, and urge DOL and VA to come to an agreement on the administration of the program quickly so it can be fully implemented and ready to process applications by the mandated July 1, 2012 start date.

SUBTITLE B—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE

Current Law

Section 1144 of title 10, U.S.C., establishes an interagency program known as the Transition Assistance Program (TAP), which offers basic training on veterans benefits, job hunting skills, and other related subjects. TAP is delivered via a partnership between the U.S. Department of Defense (DOD), DOL's Veterans' Employment and Training Service (VETS), VA, and the U.S. Department of Homeland Security (DHS). TAP includes a wide variety of employment-related training lessons as well as a VA benefits briefing, and the Disabled Transition Assistance Program for wounded or injured servicemembers. Under current law, DOD and DHS are required to encourage servicemembers to participate in TAP, but are not required to mandate their participation. Only the U.S. Marine Corps has elected to require its members to participate in TAP.

Senate Bill

Section 6 of S. 951, as reported, would amend section 1144 of title 10, U.S.C., to require mandatory participation in TAP for all servicemembers with limited exceptions. These exceptions would be set forth by the Secretaries of DOD and DHS in consultation with VA and VETS.

House Bill

Section 202 of H.R. 2433, as amended, would amend section 1144(c) of title 10, U.S.C., to require mandatory participation in TAP with limited exceptions. The exceptions would allow for enlisted servicemembers who are in the pay grades of E–8 and above, and officers in pay grades, 0–6 and above to be exempt from mandatory participation. Also, a servicemember would be exempt if there is a documented operational requirement that prevents attendance, or if the servicemember submits a written plan, which receives written approval from the servicemember's commanding officer, and the servicemember declines in writing to participate in TAP based on planned post-service employment or acceptance to an education program.

Compromise Agreement

Section 221 of the Compromise Agreement reflects the Senate position with minor modifications, and includes a provision to exempt servicemembers from TAP if they possess a specialized skill that is needed to support a unit's imminent deployment.

It is the Committees' intent that, in light of this effort, all servicemembers participate in at least the most basic components of TAP and that waivers not be granted except for those who are extraordinarily qualified or for those for whom TAP would be unnecessary or inappropriate due to other extraordinary circumstances.

INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR

Current Law

Under current practice, DOD provides some assessment of servicemembers' skills related to their military occupational specialty (MOS); however, the comparison of military-acquired skills and civilian requirements is not sufficiently robust or detailed, and is not sufficiently inclusive of other training and skills, beyond MOS-related skills, which may qualify a servicemember for civilian employment. The result is many servicemembers who separate from active duty are unable to effectively translate their military experience to an equivalent civilian skill-set.

Senate Bill

Section 9 of S. 951, as reported, would require VA, DOD, and DOL to jointly select a contractor to conduct a study to identify any equivalencies between the skills developed by members of the Armed Forces through various MOSs and the qualifications for various positions of civilian employment in the private sector. This section would also require Federal Government departments and agencies to cooperate with the contractor.

Following completion of the study, the contractor would be required to submit a report to VA, DOD, and DOL. In turn, the section would direct the Departments to jointly submit to Congress the report, along with such comments on the report as the Departments jointly consider appropriate.

This section would also require DOD to ensure that each member of the Armed Forces participating in TAP receives an individualized assessment of the various positions of civilian employment for which such member may be qualified as a result of the member's MOS. DOD would be required to transmit the individualized assessment to VA and DOL for use by either Department when providing employment related assistance during the member's transition from military service to a civilian career.

House Bill

The House Bill contains no similar provisions.

Compromise Agreement

Section 222 of the Compromise Agreement reflects the Senate position with minor modifications. Under the study required under subsection (a), the Compromise Agreement would require that DOL be the lead agency in implementing the study required under that subsection. The Committees believe that DOL is already the lead agency under TAP, and the study would be better suited to be completed by them and have VA and DOD only consult with DOL on its contents where appropriate. The Compromise Agreement also expands the range of military experiences to be considered in the study to include not only the servicemember's MOS, but also non-resident training programs, attaining higher ranks, and other experiences. The compromise also includes the Department of Education in the list of federal agencies that shall cooperate with the study required under subsection (a). In subsection (d) the Committees have amended the original provision to require DOD to make the individualized assessment of each servicemember available electronically to both DOL and VA so they can use this assessment in any future employment related assistance they provide the servicemember. It is the Committees' view that this assessment should be stored as part of the servicemember's ''e-benefits'' account. E-benefits is a new online system being developed by VA and DOD as an online repository of servicemembers' and veterans' records. This portal will allow the veteran to easily access this assessment so it can assist them with their transition to civilian life after discharge.

TRANSITION ASSISTANCE PROGRAM CONTRACTING

Current Law

Under section 4113 of title 38, U.S.C, Disabled Veteran Outreach Program Specialists (DVOPS) and Local Veteran Employment Representatives (LVER) are authorized to teach most TAP courses in the United States. DVOPS and LVERs are state employees funded by VETS to provide employment services to veterans. The section also provides the option for VETS to contract with instructors to teach TAP. VETS has used this option to contract for overseas TAP instruction as well as at a limited number of locations in the United States.

Senate Bill

The Senate Bill contains no similar provision.

House Bill

Section 201 of H.R. 2433, as amended, would amend section 4113 of title 38, U.S.C., to require VETS to contract for all TAP instruction. This change would not only ensure quality instruction for all servicemembers but it would allow DVOPS and LVERs to focus on their primary mission, which is to provide intensive employment services to disabled veterans and meet with employers to discuss the advantages of hiring veterans. The provision would require implementation of this provision within two years of enactment.

Compromise Agreement

Section 223 of the Compromise Agreement follows the House Bill.

CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE

Current Law

Section 1144(d) of title 10, U.S.C., lists the types of personnel and organizations that DOL can use in the teaching or facilitating TAP classes. These groups include DVOPS and LVERs, both civilian employees and uniformed members of the Armed Forces, employees of the Veterans Benefits Administration, and representatives of veterans service organizations. The section also allows DOL to enter into contracts with public or private entities to teach all or portions of TAP.

Senate Bill

The Senate Bill contains no similar provision.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 224 of the Compromise Agreement would amend section 1144(d) of title 10, U.S.C., to clarify that when DOL enters into contracts with private entities that they have experience in teaching courses on private sector culture, resume writing, career networking, and training on job search technologies, or in academic readiness and educational opportunities. It is the Committees' view that when DOL contracts for TAP services pursuant to section 223 of the Compromise Agreement they should ensure that the contractors have pertinent expertise in providing quality services to TAP participants. The Committees also recognize that many servicemembers are using their Post–9/11 GI Bill benefits soon after they are discharged, and believe that having TAP instructors provide more information on the type of educational choices that are available to these servicemembers is an effective way to increase use of the Post–9/11 GI Bill and to encourage educational choices that are in line with the servicemember's career goals or intents.

IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED

Current Law

Under section 1144 of title 10, U.S.C., TAP furnishes career counseling, assistance in identifying employment and training opportunities, help in obtaining such employment and training, and other related information and services to members of the Armed Forces who are being separated from active duty, and the spouses of such members. However, it is not explicit what types of training are authorized to facilitate a servicemember's transition.

Senate Bill

Section 14 of S. 951, as reported, would amend section 1144 of title 10, U.S.C., by adding at the end a new subsection that would authorize DOD and DHS to permit a member of the Armed Forces eligible for assistance under the section to participate in a pre-apprenticeship program or an apprenticeship program.

Such a program would be required to be registered under the Act of August 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.) The section would also authorize DOD and DHS to permit an eligible member to participate in a pre-apprenticeship program that provides credit toward a program registered under the Act of August 1937. Any such apprenticeship or pre-apprenticeship program would be required to provide participating servicemembers with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 225 of the Compromise Agreement follows the Senate Bill.

REPORT ON THE TRANSITION ASSISTANCE PROGRAM

Current Law

There is currently no statutory requirement for the Comptroller General to complete a study on TAP.

Senate Bill

Section 7(b) of S. 951, as reported, would require DOL to enter into a contract with a private entity for audits of TAP. Such audits would be required to measure the effectiveness of TAP, and the contractor would be required to report on the findings of the audit and make recommendations, which DOL would be required to implement, to improve TAP.

House Bill

Section 205 of H.R. 2433, as amended, requires that within one year of enactment that the Comptroller General of the United States conduct a review of TAP and its effectiveness.

Compromise Agreement

Section 226 of the Compromise Agreement generally follows the House Bill in that it requires a review to be completed by the Comptroller General. However the agreement requires that the study be completed within two years of enactment.

SUBTITLE C—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES

Current Law

Under section 1631 of the Wounded Warrior Act (title XVI of Public Law (P.L.) 110–181), VA's authority to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses will expire on December 31, 2012.

Senate Bill

Section 2 of S. 951, as reported, would amend section 1631(b)(2) of the Wounded Warrior Act by extending through December 31, 2014, VA's authority to provide rehabilitation and vocational benefits to certain severely wounded active-duty servicemembers in the same manner as provided to veterans.

House Bill

The House Bill contain no similar provision.

Compromise Agreement

Section 231 of the Compromise Agreement follows the Senate Bill. It is the view of the Committees that a two-year extension of VA's authority is necessary to ensure that severely wounded active-duty servicemembers have continued and uninterrupted access to rehabilitation and vocational benefits.

EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY

Current Law

Under section 3116 of title 38, U.S.C., VA is authorized to make payments to employers for providing on-job training to veterans who have been rehabilitated to the point of employability to promote the development and establishment of employment and training for veterans who have participated in VA's vocational rehabilitation and employment programs. VA provides these benefits to veterans with service-connected disabilities to enable them to obtain suitable employment.

Senate Bill

Section 3 of S. 951, as reported, would amend section 3116 of title 38 U.S.C, by striking the requirement that veterans be rehabilitated to the point of employability before VA is authorized to make payments to employers for providing on-job training.

House Bill

The House Bill contain no similar provision.

Compromise Agreement

Section 232 of the Compromise Agreement follows the Senate Bill. This change will enable VA to incentivize employers to provide training and employment opportunities to a broader number of veterans and allow veterans to obtain on-job training and experience while they are still in rehabilitation.

TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW

Current Law

Under sections 3102 and 3103 of title 38 U.S.C., veterans who have a service connected disability rating of at least 20 percent and have an employment handicap or have a disability rating of at least ten percent and have serious employment handicap are eligible for vocational rehabilitation benefits. Eligible veterans are entitled, generally, to 48 months of benefits during the 12–year, post discharge period. These limitations can be extended under certain circumstances.

Senate Bill

Section 4 of S. 951, as reported, would amend section 3102 of title 38, U.S.C., to entitle certain veterans, who have completed a rehabilitation program, as set forth under chapter 31, to up to 24 months of additional vocational rehabilitation and employment benefits if they meet certain requirements.

Under section 4, a person who has completed a chapter 31 rehabilitation program would be entitled to an additional rehabilitation program if the person meets the current requirements for entitlement to a chapter 31 rehabilitation program and has, under State or Federal law, exhausted all rights to regular unemployment compensation with respect to a benefit year, has no rights to regular compensation with respect to a week, is not receiving compensation with respect to such week under the unemployment compensation laws of Canada, and begins such additional rehabilitation program within six months of the date of such exhaustion. Under this section, a person would be considered to have exhausted rights to regular unemployment compensation under State law when no payments of regular unemployment compensation may be made under such law because the person has received all regular unemployment compensation available based on employment or wages during a base period, or such person's rights to compensation have been terminated by reason of the expiration of the benefit year.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 233 of the Compromise Agreement follows the Senate Bill. The Committees realize that many veterans who were rehabilitated have had difficulty in finding and maintaining employment. The Committees understand that unemployed service-connected veterans who have passed their current eligibility for vocational rehabilitation benefits could benefit from additional vocational rehabilitation and employment services while seeking meaningful employment. The agreement limits the amount of assistance to 12 months, provides an effective date of June 1, 2012 and a sunset date of March 31, 2014. In addition, the agreement includes a review of the program and its outcomes by the Government Accountability Office (GAO). It is the intent of the Committees that enrollment in this program be considered a last resort for unemployed and disabled veterans who have exhausted other federal training and unemployment benefit resources.

COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM

Current Law

Under Chapter 41, of title 38, U.S.C., the Department of Labor is authorized to provide job counseling, training, and placement services to veterans.

Senate Bill

Section 8 of S. 951, as reported, would amend chapter 41 of title 38, U.S.C., by inserting after section 4104 a new section, 4104A, which would require DOL to award grants to eligible non-profit organizations to provide training and mentoring for eligible veterans who seek employment. Under this provision, DOL would award grants to not more than three organizations, for contract periods of two years.

The section would require DOL to ensure that the recipients of such grants collaborate with the appropriate DVOPS and LVERs, and the appropriate State Workforce Investment boards and local boards for the areas to be served by the grant recipients. DOL would also be required to ensure that grant recipients facilitate placement in employment that leads to economic self-sufficiency for veterans who have completed training.

To be eligible for such grants, a non-profit organization would be required to submit an application to DOL. The application must include information describing how the organization will engage in the collaboration discussed herein, provide training that facilitates job placement for veterans, and provide mentorship for each veteran receiving training.

Section 8 would also require DOL to prepare and submit to the House and Senate Veterans' Affairs Committees a report that describes the process for awarding grants, the recipients of such grants, and the collaboration described herein. DOL would provide this report not later than six months after the date of enactment of the Hiring Heroes Act of 2011.

Additionally, not later than 18 months after the date of enactment, DOL would be required under this section to conduct an assessment of the performance of the grant recipients, DVOPS, and LVERs in carrying out activities under this section. Section 8 also would authorize appropriations of $4,500,000 for each of Fiscal Years 2012 and 2013.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 234 of the Compromise Agreement generally follows the Senate Bill with the addition of the Senate Committee on Health, Education, Labor, and Pension and House Committee on Education and Workforce to the list of Committees that DOL is required to submit the assessment required under subsection (d)(2).

APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE

Current Law

Chapter 33 of title 5, U.S.C., sets forth the examination, certification, and appointment process for individuals seeking to enter the civil and competitive services in the Executive branch. The Veterans Recruitment Act authorizes non-competitive appointment for eligible veterans to positions up to the GS–11 level, or equivalent. The Veterans Employment Opportunities Act (VEOA) can be used to appoint those entitled to veterans' preference or veterans who have at least 3 years of active military service to permanent positions in the competitive civil service. Under sections 2108 and 3309(1) of title 5, U.S.C., a veteran must have a disability rating to establish ten-point preference eligibility for a service-connected disability.

Senate Bill

Section 10 of S. 951, as reported, would amend chapter 33 of title 5, U.S.C., by creating a new section, 3330d, which would allow the head of an Executive agency to appoint an honorably discharged servicemember to a position in the civil service, without regard to certain civil service authorities, within the 180 days following such member's separation from service.

Section 10 would also require the Office of Personnel Management (OPM) to designate agencies to establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty and to ensure such programs are coordinated with TAP. Each designated agency would be required to consult with OPM and act through its Veterans Employment and Placement Office (VEPO) in order to establish the employment assistance program, which would include assistance to members of the Armed Forces seeking employment with that agency. Under the program, the agency would also provide servicemembers with information regarding its employment assistance program and would promote the recruitment, hiring, training and development, and retention of such servicemembers and veterans by the agency. If a designated agency does not have a VEPO, the agency would be required to select an appropriate office of the agency to carry out the employment assistance program.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 235 of the Compromise Agreement generally follows the Senate Bill with modifications. The Committees expect that enactment of this section would further support servicemembers' seamless transition from the Armed Forces into the civil service by granting veteran preference prior to discharge. The Committees also recognize that certain servicemembers are unable to receive a ten-point preference because of VA's lengthy claims processing system and achieving the ten-point preference granted to disabled veterans will smooth the transition to civilian life.

The agreement strikes all of subsection (a) of S. 951, as reported, regarding agency authority to directly appoint veterans within 180 days of separation from the military and inserts new language that amends section 2108 of title 5, U.S.C., that allows a servicemember to submit paperwork to Federal hiring managers to certify that they expect to be discharged under honorable conditions. This certification would allow the hiring manager to consider the servicemember as a veteran who qualifies for veteran preference for the purpose of a competitive appointment to a civil service job. A similar certification would be authorized for disabled veterans. Servicemembers would be permitted to submit these certifications to hiring managers within 120 days of their discharge. Section 235(b) of the Compromise Agreement follows subsection 10(b) of S. 951, as reported.

A seamless transition from military service to a Federal job opening benefits not only servicemembers, but also the Federal Government. It means that a servicemember can potentially leverage the skills he or she gained while on active duty and apply them as a member of the civil service. The Federal Government benefits from hiring veterans as it allows the Federal Government to continue to receive services from individuals in whom the Federal Government has already invested resources for training. Additionally, this allows the Federal Government to employ individuals with a proven history in Federal service.

DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE

Current Law

There is no current statute that provides outside work experience to members of the Armed Forces on terminal leave.

Senate Bill

Section 12 of S. 951, as reported, would authorize DOD to establish a pilot program to assess the feasibility and advisability of providing to certain servicemembers on terminal leave work experience with civilian employees and contractors of DOD. The program would facilitate a covered servicemember's transition from active duty into the civilian labor market.

Under this section, an eligible servicemember would be any individual who (1) is a member of the Armed Forces; (2) DOD expects to be discharged or separated from service in the Armed Forces and is on terminal leave; (3) DOD determines has skills that can be used to provide services to DOD that are considered critical to the success of its mission; and (4) DOD determines might benefit from exposure to the civilian work environment in order to facilitate the individual's transition from service in the Armed Forces to employment in the civilian labor market. The pilot program would be carried out during the two-year period beginning on the date of the commencement of the pilot program.

Not later than 540 days after the date of the enactment of this section, DOD would be required to submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate, and to the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives, a report on the pilot program. The report would include the findings of DOD with respect to the feasibility and advisability of providing such work experience to qualifying servicemembers.

House Bill

The House Bill contains no similar provision.

Compromise Agreement

Section 236 of the Compromise Agreement generally follows the Senate Bill. The Committees believe these servicemembers could benefit from being given access to outside work experience while technically still on active duty. The Committees hope this opportunity will better prepare the servicemember for their transition to civilian life.

ENHANCEMENT OF DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSING OF VETERANS

Current Law

Under current law, section 4114 of title 38, U.S.C., DOL, through the Assistant Secretary of Veterans Employment and Training (ASVET), is authorized to carry out a demonstration project on credentialing for the purpose of facilitating the seamless transition of servicemembers from active duty to civilian employment. The section provides for the selection of not less than ten MOSs for purposes of the demonstration project. The selected specialties must involve a skill or set of skills required for civilian employment in an industry with high growth or high worker demand.

After selection of the ten MOSs, DOL is required to consult with Federal, State, and industry stakeholders to identify requirements for civilian credentials, certifications, and licenses that require a skill or set of skills also required by an MOS selected under this section. DOL must analyze these requirements to determine which may be satisfied by the skills, training, or experience acquired by servicemembers with the applicable MOS.

Following this determination, DOL is required to cooperate with the appropriate government and industry stakeholders to reduce or eliminate any barriers to providing a civilian credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with an MOS selected

under this section that satisfies the Federal and State requirements for the credential, certification, or license.

This program was never carried out because funding for the pilot program was authorized only by using unobligated funds for the administration of job counseling, training, and placement services for veterans under section 4106 of title 38, U.S.C.

Senate Bill

Section 13 of S. 951, as reported, would amend section 4114 by mandating that DOL carry out the demonstration project on credentialing. Section 4114 would also be amended to require that the ASVET act in consultation with the Assistant Secretary for Employment and Training when selecting the specialties. The number of specialties to be selected would also be reduced from ten to five.

The section would also strike subsections (d) through (h) of section 4114, concerning a task force, consultation, contract authority, and duration of the program described under current law. New subsection (d) would require the demonstration project to be carried out within a two-year period beginning on the date of the enactment of this section.

Section 13 would also require, not later than 180 days after the enactment of the Senate Bills, which the ASVET, in consultation with DOD and VA, study the costs incurred by DOD to train servicemembers for MOSs compared to those incurred by VA and DOL for employment-related assistance to veterans. The study would include an analysis of the costs incurred by VA to provide educational assistance to veterans regarding civilian credentialing and licensing and the costs associated with assistance, vocational training, and counseling to unemployed veterans who were trained in an MOS.

Within the 180-day period after the enactment of the Senate Bill, the ASVET would also be required to submit to Congress a report on the study carried out. Required provisions of the report would include the findings of the Assistant Secretary with respect to the study and an estimate of the savings that would be realized by VA and DOL if DOD were to tailor its MOS training(s) to satisfy Federal, State, and/or local requirements for certain credentials, certifications, or licenses.

House Bill

Section 301 of H.R. 2433 amends section 4114 of title 38, United States Code, to reauthorize the demonstration project and direct the DOL to conduct a study in cooperation with an association of state governors on five to ten military occupations to determine barriers to transitioning those skills to civilian employment and authorizes $180,000 per year to fund the program through September 30, 2014, and sets reporting requirements.

Compromise Agreement

Section 237 of the Compromise Agreement contains provisions from both the Senate and House Bills. Subsection (a) generally follows the House Bill by reauthorizing the demonstration project and requires that the study be conducted in cooperation with an association of state governors. The agreement also limits the number of MOS's to be studied to not more than five. Subsection (b) of this section adopt a modified version of the Senate Bill by removing the language that assumes that the Federal Government would experience savings if DOD were to tailor its MOS training(s) to satisfy Federal, State, and/or local requirements for certain credentials, certifications, or licenses.

DOD has the largest training program in the world, training servicemembers in hundreds of occupations. While many of these occupations center on combat-related duties, the vast majority train servicemembers in support roles, many of which are closely related to skills required in civilian occupations.

Despite that close relationship, the Committees' have found that servicemembers find it difficult to transition directly into equivalent civilian occupations. There are many reasons for this, but chief among those reasons is the plethora of vastly differing State laws and regulations that directly impede that transition.

The Committees believes that it is vital to engage the States in an effort to standardize laws and regulations, even on a limited basis, in an effort to smooth servicemembers' transition to civilian employment and retain the value of taxpayer investment in the military training program. The Committees also recognize that an unregulated transition for some specialties may not be achievable, but expects DOL to select military specialties ranging from those that are easier to transition from, to those that are more difficult.

INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR

Current Law

Under Section 4107(c) of title 38, U.S.C., VETS is required to provide Congress with an annual report on the activities of the VETS and some performance measure on the state grant program that provides funding for DVOPS and LVERs. VETS is required under the report to provide the number of veterans who were served by states and various other demographic information.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 302 of H.R. 2433, as amended, amends section 4107(c) by adding a new paragraph that requires that VETS submit, in its annual report to Congress, certain employment/education/training-related data for veterans placed in jobs by DVOPS and LVERs under the State Grant Program.

Compromise Agreement

Section 238 of the Compromise Agreement generally follows the House Bill. VETS currently funds the salaries and expenses of DVOPS and LVERs at a cost of over $165 million per year. Unfortunately, there is little statistical accountability built into the system to determine if this funding, objectively, leads to effective results. Changes include modifying the timeline of when VETS needs to follow up with the veteran on their employment status and earnings. These modifications were made to better align this section with DOL's current reporting of performance data from states. The Committees hope this section will provide much needed transparency on this critical program and help promote more effective services to unemployed veterans.

CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR TRAINING PROGRAMS

Current Law

Section 2 of the Jobs for Veterans Act, P.L. 107–288, required DOL to give veterans, and certain spouses of veterans, priority of service in all DOL training programs for which the veteran or spouse would otherwise qualify. DOL's interpretation of this requirement is to use the proportion of representation of veterans in training programs versus the general veteran population as a basis for determining that the priority of service requirement of section 4215 of title 38, U.S.C, is met.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 239 of H.R. 2433, as amended, would amend section 4215 of title 38, U.S.C., to clarify the law to ensure that veterans are indeed receiving the priority of service envisioned in P.L. 107–288. The section also requires a new section to the VETS annual report, required under section 4107(c) U.S.C., which will track this priority of service at the local level. The section also clarifies that DOL may not use the proportion of representation of veterans in training programs vs. the general veteran population as a basis for determining that the priority of service requirement of section 4215 of title 38, U.S.C, is met.

Compromise Agreement

Section 309 of the Compromise Agreement follows the House Bill. The Committees note that there are at least 24 job training programs operated under the Workforce Investment Act (WIA) for which veterans should have priority. Based on DOL statistics, it appears that DOL interprets the priority of service requirement to be met if veterans and other covered persons are shown to be participating in a DOL training program at a percentage roughly equal to the percentage of veterans in the general population (around nine to ten percent). The Committees believe such a proportion-based approach fails to meet both the letter and spirit of the law. While DOL indicates that veterans comprise about eight percent of WIA participants, most WIA programs fall well short of the rate. Therefore, the Committees believe that priority of service must be quantified using the number of qualified veteran applicants and the number trained relative to the total program participants.

EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE

Current Law

Section 4109 of title 38, U.S.C, establishes the National Veterans Employment and Training Services Institute (NVTI) to provide standardized training to DVOPS and LVERs in how to assist veterans and disabled veteran in obtaining meaningful employment. However, there is no statutory requirement that DVOPS and LVERs satisfactorily complete the course of training or that the employing State agency be informed of an employee's performance at NVTI.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 304 of H.R. 2433, as amended, would require that at the completion of their training at NVTI, each trainee would be required to take a final examination based on the training at NVTI. The results of this examination would then be sent to the organization or group that sponsored the trainee's attendance at NVTI.

Compromise Agreement

Section 240 of the Compromise Agreement follows the House Bill with a small modification that the results of the examination be provided to the organization or group that sponsored the trainee's attendance at NVTI, but that the results not be listed as passing or failing. However, the Committees strongly believe that the information provided to the state or agency should indicate whether the student's performance on the exam meets minimum standards and that a minimal grade should be included. Under the Compromise Agreement the requirements of the section shall not be enforced until 180 days following the passage of the Compromise Agreement.

REQUIREMENTS FOR FULL-TIME DISABLED VETERANS OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS EMPLOYMENT REPRESENTATIVES

Current Law

There is no current statutory requirement that full time DVOPS and LVERs only provide services to veterans and not non-veterans.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 305 of H.R. 2433, as amended, amends sections 4103A and 4104 of title 38 U.SC., to require that full-time DVOPS and LVERs perform only duties related to providing employment assistance to veterans. Section 305 also requires that VETS conduct regular audits to ensure compliance with these requirements and authorizes VETS to reduce the amount of assistance paid to a state to fund DVOPS and LVERs if the state is not in compliance with this section.

Compromise Agreement

Section 241 of the Compromise Agreement generally follows the House Bill. The Committees continue to hear that unemployment center managers divert DVOPs and LVERs to non-veterans related work. This practice obviously negatively impacts the amount of time that veterans unemployment specialists can spend on serving veterans. The agreement amends the provision to ensure that DVOPS and LVERs are allowed to provide, minor, non-substantive support to non-veterans. The Compromise Agreement also gives Governors the option of consolidating DVOP and LVER positions into one job as long as they certify to DOL that no services to veterans will be reduced as part of the consolidation. The Committees expect VETS to provide clear guidance to the states as to what constitutes minor, non-substantive services. The agreement further requires that DOL approve of Governor's consolidation plan. The Committees believe that in a time of fiscal restraint, flexibility in providing service to veterans so long as services do not deteriorate is appropriate. For example, at smaller employer center there may be only one part-time DVOP and one part-time LVER. This provision would permit the consolidation of those two positions into one, thereby reducing administrative overhead while not affecting quality of service to veterans.

SUBTITLE D—IMPROVMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA

Current Law

Section 4303 of title 38 U.S.C, for the purposes of the protections under the Uniformed Services Employment and Reemployment Right Act (USERRA), defines 'benefit,' 'benefit of employment,' or 'rights and benefits'.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 401 of H.R. 2433, as amended, would expand the definition of 'benefit,' 'benefit of employment,' or 'rights and benefits' to include the right not to suffer workplace harassment or the creation of a hostile work environment by including, 'the terms, conditions, or privileges of employment,' to conform USERRA with the Supreme Court's decision in Mentor Savings Bank vs. Vinson, 477 U.S. 57, 63–66 (1986) and DOL's request for such change in its annual report on USERRA.

Compromise Agreement

Section 251 of the Compromise Agreement follows the House Bill.

SUBTITLE E—OTHERS MATTERS

EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES

Current Law

P.L. 101–508, the Omnibus Budget Reconciliation Act of 1990, reduced VA pension for certain veterans in receipt of Medicaid-covered nursing home care to no more than $90 per month, for any period after the month of admission to the nursing care facility. This authority expired on September 30, 1992, but has been extended several times, most recently through May 31, 2015, in the Veterans' Benefit Act of 2010.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 507 of H.R. 2433, as amended, would amend section 5503(d)(7) of title 38 U.S.C., to extend the authority for limitation of VA pension to $90 per month for certain beneficiaries receiving Medicaid-covered nursing home care from May 31, 2015.

Compromise Agreement

Section 262 of the Compromise Agreement follows the House Bill, except that the limitation would be extended until September 30, 2016 and not May 31, 2016.

REIMBURSEMENT RATE FOR AMBULANCE SERVICES

Current Law

Under section 111 of title 38, U.S.C., VA is authorized to reimburse certain veterans for their transportation by ambulance to and from VA medical facilities based on the 'actual necessary expense.'

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 504 of H.R. 2433, as amended, would amend section 111(b)(3) of title 38, U.S.C., by adding a new subparagraph (C), which would authorize VA to pay the lesser of the actual amount charged by the ambulance provider or the applicable amount in the Medicare fee schedule for ambulance services, unless VA has entered into a contract for such transportation with the provider.

Compromise Agreement

Section 263 of the Compromise Agreement follows the House Bill.

EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRTARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES

Current Law

Section 6103(1)(7)(D)(viii) of title 26, U.S.C., authorizes the release of certain income information by the Internal Revenue Service (IRS) or the Social Security Administration (SSA) to VA for the purposes of verifying the incomes of applicants for VA needs-based benefits. Section 5317(g) of title 38, U.S.C., provides VA with temporary authority to obtain and use this information. Under current law, this authority expires on November 18, 2011.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

The House Bill does not contain a similar provision.

Compromise Agreement

Section 264 of the Compromise Agreement extends the authority under section 5317(g) to authorize the release of certain income information by IRS or the SSA to VA for the purposes of verifying the incomes of applicants for VA needs-based non-service connected pension benefits through September 30, 2016. The Committees note that this extension was also included in section 3(c) of H.R. 2349, as amended, which passed the House on October 11, 2011, and section 708 of S. 914, as reported by the Senate Committee on June 29, 2011.

MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS

Current Law

Section 3729(b)(2) of title 38, U.S.C., sets forth a loan fee table that lists funding fees to be paid by beneficiaries, expressed as a percentage of the loan amount, for different types of loans guaranteed by VA. Funding fee rates have varied over the years, but with one exception, have remained constant since 2004. All funding fee rates are set to be reduced on November 18, 2011.

Senate Bill

Section 15 of S. 951 would amend the fee schedule set forth in section 3729(b)(2) of title 38 U.S.C., by extending VA's authority to collect certain fees and by adjusting the amount of the fees. Specifically, the section would amend-section 3729(b)(2)(B)(ii) by striking 'January 1, 2004, and before October 1, 2011' and inserting 'October 1, 2011, and before October 1, 2014,' and by striking '3.30' both places it appears and inserting '3.00.'

The section would also amend section 3729(b)(2)(B)(i) by striking 'January 1, 2004' and inserting 'October 1, 2011' and by striking '3.00' both places it appears and inserting '3.30.' The section would also strike clause (iii) and re-designate clause (iv) as clause (iii). Clause (iii), as redesignated, would be amended by striking 'October 1, 2013' and inserting 'October 1, 2014.'

House Bill

Section 501 of H.R. 2433, as amended, would amend the fee schedule set forth in section 3729(b)(2) of title 38 U.S.C., by extending VA's authority to collect certain fees and by adjusting the amount of the fees. Specifically, the section would amend section 3729(b)(2)(A)(iii) and 3729(b)(2)(A)(iv) by striking 'November 18, 2011', and inserting 'October 1, 2017'.

The section would also amend section 3729(b)(2)(B)(i) by striking 'November 18, 2011' and inserting 'October 1, 2017'. The section would also strike clauses (ii) and (iii) and re-designate clause (iv) as clause (ii). Clause (ii), as re-designated, would be amended by striking 'October 1, 2013' and inserting 'October 1, 2017.' The section would also amend section 3729(b)(2)(C)(i) and 3729(b)(2)(C)(ii) by striking 'November 18, 2011' and inserting 'October 1, 2017'. Finally, the section would also amend section 3729(b)(2)(D)(i) and 3729(b)(2)(D)(ii) by striking 'November 18, 2011' and inserting 'October 1, 2017'.

Compromise Agreement

Section 265 of the Compromise Agreement follows the House Bill except that instead of inserting 'October 1, 2017' for the various extensions the agreement inserts 'October 1, 2016'.

TITLE V—BUDGETARY EFFECTS

STATUTORY PAY-AS-YOU-GO ACT OF 2010

Current Law

P.L. 111–139, the Statutory Pay-As-You-Go Act (PAYGO Act), requires that most new spending is offset by spending cuts or added revenue elsewhere.

Senate Bill

The Senate Bill does not contain a similar provision.

House Bill

Section 507 of H.R. 2433, as amended, contains language required by the PAYGO Act in order for the estimate of budgetary effect from the House Budget Committee to be used by the Office of Management and Budget on PAYGO scorecards.

Compromise Agreement

Section 501 of the compromise agreement follows the House Bill.

□ 1330

Mr. LEVIN. I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Madam Speaker, I spoke in favor of repealing the 3 percent withholding provision when it

passed the House just last month, and I am pleased the Senate has not only passed it but has added important provisions to help our brave men and women in uniform find work when they return home.

The amended bill provides retraining assistance to unemployed veterans as well as tax credits to businesses that hire unemployed veterans, which is a segment of our population that has been especially hard-hit by our sluggish economy. An estimated 12 percent of veterans who have served since the attacks of September 11 are unemployed. This is far above the national average and is not what our Nation's heroes deserve.

Our servicemembers have gone above and beyond for their country, and this legislation is one way for Congress to honor their sacrifice and to help them succeed here at home. I strongly support this legislation and urge my colleagues to vote in its favor.

Mr. HERGER. Madam Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. MULVANEY), the chairman of the Small Business Subcommittee on Contracting and Workforce.

Mr. MULVANEY. Last week I came to this floor and stood in the well and called upon the Senate to do something, which was to take up this bill—this bill that had passed out of our subcommittee with tremendous bipartisan support and that passed out of this House with bipartisan support. It's something that went practically unnoticed nationwide, especially in the media.

I ask the Senate to simply take this bill up because it was not only something that the House had supported on a bipartisan basis, but it was something that was actually part of the President's jobs bill as well. So, in the name of doing the right thing, I come to the House floor to thank the Senate for actually doing that. While they're at it, they might want to take this opportunity to take up the other 19 jobs bills that we've sent them over the course of the last several months.

The Senate has done the right thing here. They've taken up a bill that the House has sent them, a bill that will actually give people the opportunity to go back to work. What has happened is that both parties have come together to try and figure out ways to give folks exactly that opportunity. That same possibility exists another 19 times over in the Senate. The Senate has done the right thing with this bill by passing it and by sending it back to us. It's going to become law now.

I call upon the Senate to please do the right thing again and take up the 19 bills that we have sent over so that we will have the opportunity to do this again before the end of the year.

Mr. LEVIN. Madam Speaker, I yield myself 15 seconds.

The problem is that the 19 bills weren't real jobs bills. So now what the Senate has sent us back is an addition that is a real jobs bill, though not comprehensive.

I now yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for his leadership, not only on the committee but in so many ways in this Congress, and for yielding me time.

Madam Speaker, I rise in strong support of H.R. 674 and of the President's veterans jobs bill.

The 3 percent withholding repeal is very important on its own. This was an important bill that will help small business contractors who would have experienced significant cash flow problems for day-to-day operations had the withholding tax gone into effect. It also provides important tax credits to encourage more employers to hire our veterans who are out of work. Well over 12 percent of our returning veterans are out of work. This bill provides additional education and job training for veterans to gain additional skills and to be successful in an increasingly competitive job market, and it takes important steps to help ease the transition between military service and the civilian workforce.

I am pleased that we are working together to repeal this tax burden and help our veterans in a comprehensive way during these tough economic times. I am pleased that this portion of the President's jobs bill is being enacted today. I thank all who are supporting it.

Mr. HERGER. Madam Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LEVIN. I now, with pleasure, yield 2 minutes to the gentleman from Georgia (Mr. BISHOP).

(Mr. BISHOP of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BISHOP of Georgia. I thank the distinguished gentleman for yielding.

Madam Speaker, I would like to thank the Democratic and Republican leadership in both the House and the Senate for their timely consideration of the VOW to Hire Heroes Act of 2011.

As the House sponsor of the Hiring Heroes Act provisions that are in the bill, I would also like to thank the chairmen and ranking members of the House and Senate Veterans' Affairs Committees for their outstanding work on this jobs measure, as well as to thank the chairs and ranking members of the House Ways and Means Committee.

Just as this Nation has a responsibility not to leave our soldiers behind on the battlefield, we also have an obligation not to forget our veterans when they return home.

Last month the unemployment rate for veterans who fought in Iraq and Afghanistan was 12 percent. The youngest of veterans, ages 18 to 24, had a 30 percent unemployment rate in October. Among African American veterans aged 18 to 24, the jobless rate is a striking 48 percent. These numbers, Madam Speaker, are unacceptable. H.R. 674 allows us to honor our veterans by ensuring that they have the resources and the tools they need to find suitable and sustainable employment.

I urge my colleagues to support H.R. 674 and to provide our Nation's veterans with the employment opportunities that they need and so rightly deserve.

Madam Speaker, as the House sponsor of the Hiring Heroes provisions in this bill, I would be remiss if I did not also thank House Veterans' Affairs Committee Chair JEFF MILLER; House Veterans' Affairs Committee Ranking Member BOB FILNER; Senate Veterans' Affairs Committee Chair PATTY MURRAY; and Senate Veterans' Affairs Committee Ranking Member RICHARD BURR for their outstanding work on this comprehensive 1 veterans' jobs measure.

Last week as America celebrated Veterans' Day, patriots all across our great nation honored our brave veterans with parades, luncheons, and other ceremonies of remembrance. The many sacrifices members of our Armed Services have made for the freedoms we currently enjoy certainly warrants a national day of recognition and so much more.

Our patriotic service members have been instrumental in building and defending our democracy. We, as a nation, have a responsibility to pay tribute to them and preserve the memory of their service in our history and in our hearts and minds.

Just as this nation has a responsibility not to leave our soldiers behind on the battlefield, we also must not forget our veterans when they return home. In many respects, our soldiers need our help even more when they receive their discharge papers and return to civilian life.

Last month, the unemployment rate for veterans who fought in Iraq and Afghanistan was 12.1 percent versus 9.1 percent for the U.S. overall. The youngest of veterans, age 18 to 24, had a 30.4 percent unemployment rate in October, an increase from 18.4 percent a year earlier. Among black veterans age 18 to 24, the jobless rate is a striking 48 percent. These numbers are unacceptable.

H.R. 674 allows us to honor our veterans by ensuring they have the resources and tools they need to find suitable and sustainable employment.

This wide-ranging legislation combines key components of President Obama's American Jobs Act, Chairman MILLER's Veterans Opportunity to Work Act, and the Hiring Heroes Act. I sponsored the bipartisan Hiring Heroes Act in the House and Senator PATTY MURRAY introduced the measure in the Senate.

The bipartisan Hiring Heroes Act provisions included in this legislation will ensure that all service members transitioning to civilian life receive the job training skills they need to find a job. This legislation allows service members to begin the federal employment process prior to separation in order to facilitate a smooth transition from the military to jobs at the Departments of Veterans Affairs, Homeland Security, and other federal agencies in need of our veterans.

This bill also makes the Transition Assistance Program—an interagency workshop coordinated by the Departments of Defense, Labor and Veterans Affairs—mandatory for service members moving on to civilian life.

This initiative helps veterans secure 21st Century jobs by providing resume writing workshops, job search techniques, interview tips, and career counseling.

Other provisions in the VOW to Hire Heroes Act will provide nearly 100,000 unemployed veterans with up to one-year of additional Montgomery GI Bill benefits to qualify for jobs in high demand sectors. In addition, the legislation provides tax incentives of up to $5,600 for hiring veterans, and up to $9,600 for hiring disabled veterans, if the veteran has been looking for work for six months or longer.

Madam Speaker, we have an obligation to ensure our veterans land on their feet when they come home and help them find good paying jobs to support their families. These heroes have risked the most for our country. They shouldn't be coming home to unemployment checks. That's why providing this support to our nation's veterans is simply the right thing to do, and I look forward to voting in favor of this comprehensive veterans' employment initiative.

I urge my colleagues to support H.R. 674 and to provide our nation's veterans with the employment assistance opportunities that they need and so rightly deserve.

Mr. HERGER. I continue to reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself the balance of my time.

It can be stated very briefly.

The unemployment rate for veterans is beyond acceptance, and these bills hopefully will help. We need to pass more comprehensive legislation so that everybody has a chance at a job. For those who are unemployed and looking for work, we need to act so that, by next February, 2 million people will not be left without unemployment insurance.

But again, these provisions added by the Senate, provisions that were part of the President's bill, will help to address this simply inappropriate, unacceptable, unsatisfactory rate of employment and reemployment for people who have served our country so loyally and so well. So I support this bill and urge its passage.

I yield back the balance of my time.

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

Today we have an opportunity to encourage job creation by repealing a tax that's looming over small businesses and also to improve economic opportunities for the men and women who have risked their lives and limbs to serve our country in the Armed Forces.

I urge a strong bipartisan vote for this legislation, and I yield back the balance of my time.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, November 14, 2011.

TO THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million members and organizations of every size, sector, and region, strongly urges you to support H.R. 674 as amended, which would fully repeal the burdensome 3% Withholding Tax mandate enacted in Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222).

H.R. 674 was approved with overwhelming bipartisan support in the U.S. Senate last week. The Senate passed bill adds language to make a technical clarification regarding the existing federal levy program in order to conform to congressional intent and directly address tax delinquency. H.R. 674 originally passed in the U.S. House of Representatives by a vote of 405 to 16 and is supported by the Administration. Given the substantial bipartisan, bicameral support for repealing the 3% withholding tax mandate, the Chamber urges the House to expeditiously approve H.R. 674 as amended to give greater certainty to those impacted.

Unless repealed before it takes effect on January 1, 2013, the 3% Withholding Tax will have a dramatic, negative impact on millions of honest taxpaying businesses as well as state and local governments. Under this provision, the Internal Revenue Service (IRS) was given new broad sweeping authority to hold hostage 3% of nearly every transaction between the public and private sector—giving the federal government an interest free loan on the backs of many honest taxpayers. This mandate is also anti-stimulus in the sense that it removes money from local economies and sends it to the IRS.

Additionally, the profit margin for many businesses is often less than 3%, meaning that the withholding tax will create significant cash flow problems for day-to-day operations as well as draining capital that could be used for job creation and business expansion. The 3% Withholding Tax will also drive opportunities away from small businesses as governments look to consolidate their purchasing with larger companies to make it less onerous to comply with the mandate. During these difficult economic times, Congress should be pursuing policies that encourage, not hamper, business growth and job creation in the private sector.

The U.S. Chamber of Commerce strongly supports H.R. 674 as amended, to fully repeal the 3% Withholding Tax, and urges you to approve this important legislation and send it to the President for his signature.

Sincerely,

R. BRUCE JOSTEN.

GOVERNMENT WITHHOLDING RELIEF COALITION,
Washington, DC, November 14, 2011.

TO THE MEMBERS OF THE UNITED STATES HOUSE OF REPRESENTATIVES: The Government Withholding Relief Coalition and its member organizations strongly urge you to vote for H.R. 674 as amended, bipartisan legislation to fully repeal the burdensome 3% Withholding Tax mandate enacted in Section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222).

On November 10, 2011, the U.S. Senate emphatically endorsed repeal by approving H.R. 674 as amended by a vote of 95 to 0. The Senate amendment clarifies the existing federal levy program in order to conform to congressional intent and directly address tax delinquency. The Government Withholding Relief Coalition supports this targeted approach that, unlike the 3% Withholding Tax, will not negatively affect honest taxpayers and state and local governments. The underlying bill to repeal the 3% Withholding Tax mandate passed in the U.S. House of Representatives by a vote of 405 to 16 last month. The Administration has endorsed repealing this onerous burden as well. Given the overwhelming bipartisan, bicameral support and the endorsement of the Administration, we call on the House to act expeditiously to approve H.R. 674 as amended to give certainty to those impacted—businesses, doctors, farmers, state and local governments and colleges and universities.

Unless repealed before it takes effect on January 1, 2013, the 3% Withholding Tax will have a dramatic, negative impact on millions of honest taxpaying businesses as well as state and local governments, health care providers, farmers and colleges and universities. The profit margin for many businesses is often less than 3%, meaning that the withholding tax will create significant cash flow problems for day-to-day operations as well as draining capital that could be used for job creation and business expansion. This mandate is also anti-stimulus in the sense that it removes money from local economies and sends it to the IRS.

The mandate is already proving costly and will increase exponentially as the implementation deadline moves closer. If this mandate is not repealed, it will cost companies and governments at all levels substantial amounts of money just to prepare to comply with this unnecessary and unfortunate tax provision. These exorbitant expenditures will be at the expense of hiring new employees, expanding businesses, and providing government services at a time when neither the public nor private sector can afford such unnecessary costs.

The Government Withholding Relief Coalition, which represents all sectors of the economy, believes it is imperative that the 3% Withholding Tax be fully repealed to limit the damaging impacts to our economy. We appreciate bipartisan efforts to repeal it and strongly encourage you to vote for H.R. 674 as amended, to fully repeal the 3% Withholding Tax once and for all.

Sincerely,

Government Withholding Relief Coalition.

Aeronautical Repair Station Association; Aerospace Industries Association; Air Conditioning Contractors of America; Air Transport Association; Airports Council International-North America; America's Health Insurance Plans; American Ambulance Association; American Bankers Association; American Bus Association; American Clinical Laboratory Association; American Concrete Pressure Pipe Association; American Congress on Surveying and Mapping; American Council of Engineering Companies; American Dental Association; American Gas Association; American Health Care Association; American Institute of Architects; American Institute of Certified Public Accountants; American Logistics Association; American Medical Association.

American Moving and Storage Association; American Nursery and Landscape Association; American Road & Transportation Builders Association; American Society of Civil Engineers; American Society of Landscape Architects; American Subcontractors Association; American Supply Association; American Traffic Safety Services Association; American Trucking Associations; Armed Forces Marketing Council; Associated Builders and Contractors; Associated Equipment Distributors; Associated General Contractors of America; Association of Management Consulting Firms; Association of National Account Executives; Association of School Business Officials International; Baltimore Washington Corridor Chamber; Biotechnology Industry Organization; Business and Institutional Furniture Manufacturers Association; CTIA-The Wireless Association™; California Association of Public Purchasing Officers.

Coalition for Government Procurement; Coalition of Higher Education Assistance Organizations; Colorado Motor Carriers Association; Computing Technology Industry Association; Construction CPAs/Consultants Association (CICPAC); Construction Contractors Association; Construction Employers' Association of California; Construction

Financial Management Association; Construction Industry Round Table; Construction Management Association of America; Design Professionals Coalition; Edison Electric Institute; Electronic Security Association; Engineering & Utility Contractors Association; Federation of American Hospitals; Financial Executives International; Finishing Contractors Association; Gold Coast Hispanic Chamber of Commerce; Government Finance Officers Association; Hawaii Transportation Association.

Heating, Airconditioning & Refrigeration Distributors International; IPC—Association Connecting Electronics Industries; Independent Electrical Contractors, Inc; International City/County Management Association; International Council of Employers of Bricklayers and Allied Craftworkers; International Foodservice Distributors Association; International Municipal Lawyers Association; Large Public Power Council; Management Association for Private Photogrammetric Surveyors; Mason Contractors Association of America; Massachusetts Motor Transportation Association; Mechanical Contractors Association of America; Medical Group Management Association; Messenger Courier Association of the Americas; Miami Dade County; Mississippi Trucking Association; Modular Building Institute; Motor Transport Association of Connecticut; Munitions Industrial Base Task Force; National Asphalt Pavement Association.

National Association for Self-Employed; National Association of College & University Business Officers; National Association of Counties; National Association of Credit Management; National Association of Educational Procurement; National Association of Energy Services Companies; National Association of Government Contractors; National Association of Manufacturers; National Association of Minority Contractors; National Association of State Auditors, Comptrollers and Treasurers; National Association of State Chief Information Officers; National Association of State Procurement Officials; National Association of Surety Bond Producers; National Association of Water Companies; National Association of Wholesaler-Distributors; National Automobile Dealers Association; National Beer Wholesalers Association; National Corn Growers Association; National Council for Public Procurement and Contracting; National Defense Industrial Association.

National Electrical Contractors Association; National Electrical Manufacturers Association; National Emergency Equipment Dealers Association; National Federation of Independent Business; National Institute of Governmental Purchasing; National Italian-American Business Association; National League of Cities; National Mining Association; National Precast Concrete Association; National Propane Gas Association; National Office Products Alliance; National Railroad Construction & Maintenance Association; National Ready Mixed Concrete Association; National Roofing Contractors Association; National School Transportation Association; National Small Business Association; National Society of Professional Engineers; National Society of Professional Surveyors; National Utility Contractors Association; National Wooden Pallet and Container Association.

New Jersey Chamber of Commerce; North-American Association of Uniform Manufacturers & Distributors; North Coast Builders Exchange; Office Furniture Dealers Alliance; Oregon Trucking Association; Owner Operator Independent Drivers Association; Petroleum Marketers Association of America; Plumbing-Heating-Cooling Contractors—National Association; Printing Industries of America; Professional Services Council; Regional Legislative Alliance of Ventura and Santa Barbara Counties; Retail Energy Supply Association; Santa Rosa Chamber of Commerce; Security Industry Association; Service Disabled Veteran Owned Small Business Council; Sheet Metal and Air Conditioning Contractors National Association, Inc.; Shipbuilders Council of America; Small Business & Entrepreneurship Council; Small Business Legislative Council.

South Carolina Trucking Association; TechAmerica; Tennessee Trucking Association; Textile Rental Services Association of America; The Association of Union Constructors; The Distilled Spirits Council of the U.S.; The Financial Services Roundtable; U.S. Chamber of Commerce; United States Telecom Association; Utah Trucking Association; Veterans Business Institute; Veterans Entrepreneurship Task Force; Water and Wastewater Equipment Manufacturers Association; Women Construction Owners & Executives; Women Impacting Public Policy.

Mr. KIND. Madam Speaker, I rise today in support of H.R. 674, the Three Percent Withholding Repeal and Job Creation Act.

The Three Percent Withholding Repeal and Job Creation Act repeals a burdensome tax law that President Bush and Congressional Republicans passed in 2006. Fortunately, the law has never gone into effect because Democrats have fought it for years, and the Senate was successful in voting to repeal it last week. Estimates project that the tax actually costs more to implement than it raises in new revenue. Thus, it only hurts our local businesses, especially in an underperforming economy, by restricting cash flow and causing administrative headaches. Eliminating such a barrier will allow our businesses to better use their assets to grow and hire, which is exactly what our economy needs right now.

Currently, many contractors and small businesses are strapped for cash and doing everything they can to keep their doors open. In addition to repealing a burdensome tax, the Three Percent Withholding Repeal and Job Creation Act also provides incentives to grow our stagnant economy by helping businesses all over the country hire unemployed veterans. Because veterans returning from Iraq and Afghanistan are facing 12.1 percent unemployment, the Three Percent Withholding Repeal and Job Creation Act contains critical veterans' jobs initiatives that will not only incentivize hiring, but will spur economic growth by putting veterans back to work and investing in small businesses that are struggling in this stagnant economy.

In a fiscally responsible way, the Three Percent Withholding Repeal and Job Creation Act provides meaningful tax incentives to hire 45,000 unemployed veterans in 2012 and 54,000 each in 2013 and 2014. It not only helps veterans who have been unemployed for more than six months, but also those who have been unemployed for over four weeks. Businesses are further incentivized to hire veterans returning to the workforce with service-connected disabilities after six months of looking for a job.

In addition to providing incentives to hire veterans, the Three Percent Withholding Repeal and Job Creation Act provides transition assistance through a mandatory program for servicemembers returning to civilian life. Such a vital program will assist returning servicemembers in securing 21st Century jobs through career counseling and resume-writing workshops.

By helping our veterans transition back to civilian life and by creating opportunities for them to obtain meaningful employment, we show our thanks for their selfless service to our country. Furthermore, we instill faith in our local businesses to grow and hire by providing them support and resources to get through this tough economic time.

This bill is one small but important step in upholding our commitment to support the troops that have proudly defended our Nation. I'm proud to support this legislation for our veterans and our small businesses and government contractors.

Mr. DINGELL. Madam Speaker, today the House is considering legislation that will repeal the onerous requirement that federal, state, and local government entities withhold three percent of payments to government contractors. H.R. 674 will also take the first step in passing a piece of the President's American Jobs Act, by providing tax credits for businesses that hire unemployed or disabled veterans, and will help provide servicemembers who are leaving the service with job training and other skills necessary for starting a career outside of the military.

While I support these initiatives, I am disappointed that my friends in the House and Senate are pairing two bipartisan pieces of legislation with legislation that will change the intent of the Affordable Care Act and roll back eligibility for middle-class Americans to qualify for tax credits in the new Health Insurance Exchanges or Medicaid and CHIP.

As a veteran myself, I want nothing more than to help veterans to find gainful employment after the military and I believe that as we draw near the end of our engagement in Iraq and Afghanistan the need for this assistance is paramount. I will also gladly help my colleagues on the other side of the aisle to repeal their own three percent withholding requirement which we have delayed year after year. What I do not support is how we will pay for this repeal—on the backs of middle class Americans who as a result may find themselves paying more for their health care.

This legislation will add Social Security income back into the calculation of the Modified Adjusted Gross Income or MAGI for purposes of determining eligibility for the premium tax credits in the exchange and for Medicaid and CHIP. Some have suggested that excluding nontaxable Social Security benefits in the MAGI definition was a glitch. This is not so. The Affordable Care Act used the definition of MAGI that excluded nontaxable Social Security benefits because it is typical when determining eligibility for tax benefits.

Changing the MAGI definition to add Social Security income back in will make 500,000 to 1 million people ineligible for Medicaid and Chip and ineligible for premium tax credits. This will impose high costs for health care on low-income and middle-income families, early retirees and the disabled, and consequently could shift them out of Medicaid coverage or require increased out-of-pocket costs for health coverage. This goes against the very intent of the Affordable Care Act.

Madam Speaker, I oppose the sort of legislating that is before us today as I believe each chamber should be allowed to work its will on separate items, rather than be forced to accept bad policy sandwiched between pieces of bipartisan legislation. This goes against the pledge to openness and transparency my Republican colleagues have claimed to support.

While I will lend my support to the legislation before us, I cannot continue to accept such abuses of procedure.

Mr. BRADY of Texas. Madam Speaker, I rise in support of H.R. 674, repealing the requirement that all levels of government withhold 3 percent of payments owed to their contractors throughout the United States.

If not repealed, small businesses operating on the slimmest of margins would see their operating budgets once again taking a hit from the Federal Government.

It is important to remember that our neighbors and friends work at these businesses.

Their jobs depend on these businesses having the necessary cash flow to pay their wages so they can raise their families and pay their bills.

And we, as a country, are depending on these same businesses to create new jobs which will help our unemployed friends and neighbors, and move our economy forward.

I am also supportive of simplifying the process for employers to hire our unemployed and disabled veterans through the Work Opportunity Tax Credit program. The one-year extension and simplification will help bring more certainty to the hiring process for our job creators looking to hire veterans who have more than proven their worth to anyone looking for productive employees.

A vote in support of H.R. 674 is a vote to remove impediments to American job creation and expand opportunities for our veterans. I urge my colleagues to support the bill.

Mr. VAN HOLLEN. Madam Speaker, three weeks ago, this House passed legislation to repeal the 3% withholding rule for contractors doing business with the federal government and an adjustment to the formula used to calculate Medicaid and tax credit eligibility under the Affordable Care Act.

Today's bill—sent back to us by the Senate—packages these two initiatives with the Veterans Hiring Tax Credit contained in the American Jobs Act and several other provisions designed to support veterans looking for work.

Madam Speaker, it's about time. Finally, if only in a small way, we are moving legislation to accelerate job creation in this Congress. With unemployment rates for today's returning veterans hovering above 12%, these steps are the least we can take to support our service members transitioning to civilian life. Frankly, I would go further and complete consideration of the rest of the American Jobs Act without further delay.

As regards the rest of the legislation, it is no secret that I would prefer savings from the adjustment to the Affordable Care Act formula be repurposed to other pressing health care needs. That being said, I support the adjustment and have long been a cosponsor of the bill to repeal the onerous 3% withholding requirement.

Accordingly, I will cast a "yes" vote for today's legislation.

Mr. HOLT. Madam Speaker, I rise today in support of H.R. 674. The provisions contained in this amended legislation are a long time coming and I am pleased to see this body finally consider a measure that will have a tangible effect for Americans who are unemployed and underemployed. More importantly, these measures will help a particular group of Americans who I think we all agree deserve our full support: our Nation's veterans. Right now, men and women returning stateside from Iraq and Afghanistan face an unemployment rate of over 12 percent. Nearly a quarter of a million of recently returned veterans are jobless. This is unconscionable. If we can give our men and women the tools they need to succeed in combat, then certainly we must help them succeed when they return home. Moreover, veterans make excellent employees—I know because I have two working for me. Helping our veterans find jobs will put some of the finest men and women in the country into the American workforce. It's a win-win situation.

This measure provides tax credits for businesses who hire veterans—up to $5,600 if the veteran has been out of a job for more than six months. It also provides a $9,600 tax credit if the veteran has a service-connected disability. It expands Montgomery G.I. benefits for education and training opportunities for older veterans. And it includes provisions to encourage separating service members to seek employment in civilian federal service.

Madam Speaker, it is worth noting that many of these are measures that President Obama proposed in the American Jobs Act. I am pleased that we are considering these specific provisions today, but dozens of other provisions in the Jobs Act would help put an even greater number of veterans back to work: small business tax cuts, supporting teachers and first responders, rebuilding and expanding our infrastructure. We must do more, and by advancing the proposals currently idling in this body, we can do more.

I urge my colleagues to join me in supporting this measure to help put our Nation's veterans back to work.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 674.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

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

□ 1340

NATIONAL RIGHT-TO-CARRY RECIPROCITY ACT OF 2011

Mr. SMITH of Texas. Mr. 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. 822.

The SPEAKER pro tempore (Mr. FRANKS of Arizona). Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 463 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 822.

□ 1341

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

H.R. 822, the National Right-to-Carry Reciprocity Act of 2011, was introduced by Mr. STEARNS of Florida and Mr. SHULER of North Carolina and is cosponsored by 245 Members of Congress on both sides of the aisle. This landmark legislation recognizes the importance of the Second Amendment and makes it easier for individuals with concealed carry permits to travel to other States. Forty-nine States now allow concealed carry permits, and 40 of these States also extend some degree of reciprocity to permit holders from other States.

This bill simply applies the States' reciprocal agreements nationwide. This legislation requires States that currently allow people to carry concealed firearms to recognize other States' valid concealed carry permits, much like States recognize driver's licenses issued by other States. The bill recognizes the right of States to determine eligibility requirements for their own residents.

State, local, and Federal laws and regulations regarding how, when, and where a concealed firearm can be carried that apply to a resident will apply equally to a nonresident. For example, many States bar individuals from carrying firearms in a bar, at a sporting event, or in a State park. Under this legislation, all of these restrictions will apply to nonresidents as well.

H.R. 822 also addresses concerns regarding the ability of law enforcement agencies to confirm the validity of an out-of-state concealed carry permit. The bill requires a person to show both a valid government-issued identification document, such as a license or passport, and a valid concealed carry license or permit.

State law enforcement agencies can verify the validity of an out-of-state concealed permit through the Nlets system. Nlets is available to law enforcement officials in all 50 States 24 hours a day, 7 days a week. Data from the FBI's annual Uniform Crime Report shows that right-to-carry States, or those that widely allow concealed

carry, have 22 percent lower total violent crime rates, 30 percent lower murder rates, 46 percent lower robbery rates, and 12 percent lower aggravated assault rates, as compared to the rest of the country.

Opponents of this bill have noted that some States would be required to recognize concealed carry permits issued by States with different standards of eligibility. However, 40 States already grant reciprocity to other States, including to States with different eligibility requirements. The States would not do this if different eligibility requirements were a concern.

The Second Amendment is a fundamental right to bear arms that should not be constrained by State boundary lines. Opposition to this legislation comes from those who believe concealed carry permit holders often commit violent crimes, which is demonstrably false, or from those who want to restrict the right of law-abiding citizens to bear arms. This legislation enhances public safety and protects the right to bear arms under the Second Amendment. I urge my colleagues to support H.R. 822.

Madam Chairwoman, I reserve the balance of my time.

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

Members of the House, the measure that we have under consideration today is a very curious one in that there is some misunderstanding of what the constitutional right to carry loaded, hidden guns in public is really all about.

I would begin our discussion pointing out that under the proposal before us, a concealed firearm permit issued by any State would be valid in every State that allows a concealed carry provision. So, for example, a visitor to my home State of Michigan would be allowed to carry a loaded, hidden weapon in public, even if he has not met the minimum requirements to do so mandated by our State law.

Different States have enacted different requirements for carrying concealed weapons within their borders. And although Federal law prohibits individuals with Federal convictions from possessing a weapon, 38 of our States have chosen to deny concealed carry licenses to individuals with convictions for certain misdemeanor offenses.

I would like to start our discussion off with the fact that there are so many members of law enforcement, so many members of the government, so many members of our editorials—please consider with me, my colleagues in the House, that every major law enforcement organization in the United States of America opposes the measure that is on the floor today, H.R. 822. Every single organization. These organizations include the International Association of Chiefs of Police; the Major Cities Chiefs Association, which includes the 56 largest cities in the United States of America; the Police Foundation; the National Latino Peace Officers Association; and the National Organization of Black Law Enforcement Executives.

□ 1350

We have letters from 600 mayors of the cities in the United States. The National Network to End Domestic Violence has sent us letters. There have been editorials in the New York Times, the Washington Post, and the St. Petersburg Times, and they have all submitted letters.

I conclude my opening remarks by observing that there is no constitutional right to carry loaded, hidden guns in public. One of the things I hope we will be able to persuade you on is that the Supreme Court case of 2008, entitled, District of Columbia v. Heller is the case that the majority of the Court ruled, and Justice Scalia wrote this decision, that while the Second Amendment protects the right of law-abiding citizens to use arms in defense of their home and bans on carrying in public were presumptively lawful, it went on to say that the question held that prohibitions on carrying concealed weapons were lawful under the Second Amendment, that the prohibitions were lawful; and Justice Scalia's majority decision in that landmark case rendered 3 years ago stated the Second Amendment is not unlimited and not a right to keep and carry any weapon whatsoever in any manner whatsoever or for whatever purpose. I cite the Supreme Court decision 128 2783 of 2008, the District of Columbia v. Heller.

I reserve the balance of my time.

Mr. SMITH of Texas. Madam Chairwoman, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank the chairman for yielding.

Madam Chairman, the Second Amendment to the United States Constitution states: ''The right of the people to keep and bear arms shall not be infringed.''

In this modern age when it is very common for people to travel to work or for pleasure, it has really become routine, and the National Right-to-Carry Act is a commonsense solution to adapt to today's needs.

This legislation allows people with valid, State-issued permits or licenses to carry a concealed firearm in any other State that has essentially the same laws. To be clear, this legislation does not create a national licensing scheme or agency. It does not supersede the laws for firearms use in any other State.

The right of self-defense is a fundamental one and has been recognized in law for centuries. The Second Amendment dictates that the appropriate way to fight crime is to target criminals, not law-abiding gun owners. Today we have an opportunity to clearly recognize the right to bear arms for our citizens and to allow law-abiding citizens to exercise freedom without restrictive barriers. Let's take that opportunity today.

Mr. CONYERS. Madam Chairman, I am pleased to recognize the former chair of the Constitution Subcommittee of the House Judiciary Committee, JERRY NADLER of New York, for as much time as he may consume.

Mr. NADLER. I rise in strong opposition to H.R. 822, what the Brady Campaign correctly calls the ''Packing Heat on Your Street'' bill.

America is in dire economic straits. Millions of people are out of work. Our growth rate is anemic. People are clamoring for Congress to pass legislation to grow the economy and help create jobs. And so what is the House of Representatives doing? This august body is considering gun legislation. The disconnect between the Republican House majority and the American people is beyond belief. It is no wonder that Congress' approval rating is 13 percent, according to the latest Gallup Poll.

Not only are we wasting our time on this issue, what the bill does should scare every American. This bill, as amended by the Judiciary Committee, would let a person with a concealed-carry permit issued by one State take his or her weapon into any other State of which they are not a resident, regardless of the laws of that other State. State laws on both gun possession and concealed carry would be overridden. This bill takes away the right of the citizens of each State to set their own gun control policy. For a Republican House majority that supposedly believes in States' rights, this bill is shocking. So, for example, some States require firearms training or require people to be 21 years old to have a concealed-carry permit. All such rules would be tossed aside by this new Federal mandate.

I tried to protect States by filing an amendment with the Rules Committee which would have created an exception to the bill to let States enforce laws against persons convicted of sex offenses against minors from possessing guns or having concealed weapons. That amendment was not made in order. I guess it was more important to satisfy the gun lobby than it is to make sure our kids are protected from violent predators.

To the extent States want to allow their citizens to enter into other States with concealed weapons, they can do so by entering into reciprocity agreements, and many States have done so. But why would we force those that have not, which have chosen to end reciprocity agreements due to lax standards of another State, why would we force them to accept the concealed-carry permit of every other State?

Because any permit would suffice, this bill will create a race to the bottom, with whatever State has the most

permissive concealed-carry rules setting national policy. In some States you don't even have to be a resident to get a concealed-carry permit. This lowest common denominator approach will only lead to more people carrying more hidden weapons—packing heat on your street. Knowing there are more concealed handguns all around does not make me feel safer.

Lastly, I want to address the constitutional argument. In Heller, the Supreme Court held there is a Second Amendment right for persons to bear arm. Nowhere did the Court say, however, that there is an unlimited national right to carry a concealed handgun. In fact, Justice Scalia recognized the legality of reasonable limits on the Second Amendment. I can't imagine a more reasonable restriction for States to impose than those which govern who can carry a concealed firearm in their own States.

I ask that Members reject this deeply flawed and dangerous bill.

Mr. SMITH of Texas. Madam Chairwoman, I yield 3 minutes to the gentleman from Arizona (Mr. FRANKS), the chairman of the Constitution Subcommittee.

Mr. FRANKS of Arizona. I thank the chairman.

Madam Chair, H.R. 822, initially introduced by Mr. STEARNS of Florida and Mr. SHULER of North Carolina and supported by more than half of my colleagues in the House of Representatives, would allow people with a valid permit or license to carry a concealed handgun in any other State that permits concealed carry. This is a policy akin to allowing licensed drivers from one State to drive their car in another State so long as they obey the local laws.

Madam Chair, clearly the constitutional right to defend oneself and one's family should not be limited to only when you are at home. Criminals have always preferred unarmed victims. Conversely, law-abiding citizens capable of defending themselves and their fellow citizens demonstrably save innocent lives.

To give one of countless examples, in 2007, a man in Colorado named Matthew Murray wrote online: ''All I want to do is kill and injure as many Christians as I can.'' Murray then went on a shooting rampage, first killing two young students at a missionary training center outside Denver; and then at a gathering of over 7,000 people in and around the New Life Church in Colorado Springs, Colorado, with a rifle and a backpack full of ammunition, Murray entered the church and opened fire, killing two sisters. Murray was ultimately stopped and killed by Jeanne Assam, a church member and volunteer security guard who once worked in law enforcement and who had a concealed-carry permit. Apart from this armed hero's actions, many more innocent citizens would have died that day.

H.R. 822 includes a number of provisions intended to retain the States' ability to regulate firearm use in their own States and increase public safety. Nothing in the bill affects a State's ability to set the eligibility requirements for its own residents, nor does it affect any State laws or regulations regarding how, when, or where concealed firearms can be carried. It also requires people who want to take advantage of the Federal grant of reciprocity to be properly permitted or licensed by a State to carry a concealed weapon and to be able to produce both the permit or license and a government-issued identification document.

□ 1400

To reiterate Chairman SMITH's comments, studies have shown that concealed-carry laws are very good public policy for our country. Madam Chair, the NRA has estimated, based on FBI crime report data, that right-to-carry States, which widely allow concealed-carry, have 22 percent lower violent crime rates, 30 percent lower murder rates, and 46 percent lower robbery rates than States that prohibit or greatly restrict concealed-carry. H.R. 822 will help further extend this trend.

With that, Madam Chair, I urge my colleague to support this bill.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank the gentleman for yielding.

Mr. Chairman, for all of the talk of States' rights in this Chamber, H.R. 822 obliterates the rights of State governments to pass their own gun rules and protect their own citizens from illegal gun violence. In my own State of Florida, we have a right-to-carry law, but we require those who seek such concealed permits to prove basic competency.

To protect our families, we deny concealed-carry permits to those convicted of felonies, to those committed to mental institutions, or those with a history of illegal drug use. H.R. 822 denies Floridians the right to protect their own families and set their own standards. If Floridians wanted gun laws as lax as those in Utah, they would adopt their own.

I'm disappointed the Rules Committee blocked my own amendment to amend this bill to ensure that individuals with concealed weapons could only cross lines into States that maintain a national law enforcement database. Without a database system accessible 24 hours a day with criminal background information on individuals holding concealed weapons permits from other States, Florida's law enforcement will be unable to adequately protect the public under this bill. It is the safety of our communities and our families that are at risk as a result.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. STEARNS), the writer, author, and creator of this legislation.

Mr. STEARNS. I would say to my colleague, I'm from Florida, and I'm supporting this bill. In fact, I'm the proud sponsor of this bill, ladies and gentlemen. I have sponsored this legislation since the 105th Congress—that's almost 14 years ago—because I believe it's long overdue that we take action to enhance the fundamental right of self-defense for all law-abiding citizens of this country.

I want to thank Mr. TRENT FRANKS from Arizona for his assiduous and hard work in pushing this through the full committee and subcommittee, and I also thank Chairman LAMAR SMITH for his efforts, too.

My colleagues, the right—the simple right—to defend yourself and your loved ones from a criminal is fundamental. And it's not extinguished when you simply cross a State border. This bill recognizes this important fact by establishing the interstate recognition of concealed-carry permits in much the same way driver's licenses are recognized.

Now under this legislation, lawfully issued carry permits will be recognized in all States that also issue carry permits. There are now 49 States that issue these permits. Most of these States also recognize permits issued from at least some other States, while some States recognize all valid permits issued by any State. But herein, simply, lies the problem. The nonuniformity of the laws regarding reciprocity makes it difficult for law-abiding permit holders to know for sure if they are obeying the law as they travel from State to State. While preserving the power of the States to set the rules on where concealed firearms can be carried, this legislation will establish interstate carry permit recognition in the 49 permit issuing States. So this legislation will simply make it easier for law-abiding permit holders to know that they are simply in compliance with the law when they carry a firearm as they travel this wonderful country of ours.

Now consider the outcome if States administered driver's licenses as they currently do carry permits. Drivers would have to stop at the State line to determine whether their license was valid before proceeding. Each State would recognize some licenses but, of course, not all of them. Some States would insist that others have precisely the same requirements for issuance of a license before offering reciprocity. And the status of such reciprocity would be constantly changing, literally day to day.

So that is the reality of the current State reciprocity agreements for carry permits today. And only the Congress can remedy this interstate muddle. Our Union is a strong one, and we are proud to be citizens of a Nation who need not present papers to cross internal boundaries. But the holders of carry permits must indeed today worry whether their permits are valid before they can safely venture out of their home State while exercising a fundamental right. Our system of federalism beckons this body

to remedy this disparity in due process and equal treatment under the law.

Mr. Chairman, over the past 20 years, 17 States have passed right-to-carry laws. In each of these States, opponents of firearms ownership have made dire predictions of mayhem in the streets if we simply dared to allow law-abiding citizens to carry a firearm for their own self-defense. But in each case, these predictions were proven to be completely false. In fact, during that period, violent crime has dropped 51 percent to a 46-year low—1991 to 2011—and these are according to the FBI Uniform Crime Reports. Statistics don't lie in this case. They are actually showing violent crime has dropped, and this is one of the reasons.

Mr. Chairman, this legislation will not strip States of the ability to prohibit dangerous persons from carrying a firearm. Federal law already prohibits a convicted felon or someone shown to be a danger from the mere possession of a gun, and the carry regulations set up in each State will apply to all permit holders, both residents and nonresidents. This bill does not set up a Federal carry permit system or establish any Federal regulations of concealed-carry permits. That power remains with the States. Additionally, this legislation does not include any new Federal gun laws, nor does it call for additional Federal regulation of gun ownership. In fact, it does not allow for new Federal regulation, for it amends the part of the Gun Control Act that allows only such regulation as is necessary, and in this case none.

The Acting CHAIR (Mr. SIMPSON). The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. STEARNS. My colleagues, this legislation simply guarantees citizens' constitutional rights as affirmed by two Supreme Court cases, D.C. v. Heller and McDonald v. Chicago, which simply ruled the Second Amendment is an individual right.

This bill will allow law-abiding citizens who already have valid carry permits to carry firearms when they travel to protect themselves and to protect their families. These are people who have proven themselves to be among the most responsible and safe members of our communities, and we should not deprive them of this fundamental right when they simply cross a State border.

I urge my colleagues to support this important legislation. It's a long time in coming, I'm pleased it's on the floor, and I look forward to its passage.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

I want to just say to my dear friend from Florida, CLIFF STEARNS, you cannot compare licensing concealed-carry permits to driver's licenses, and that's why this idea of yours, with all due respect, has never been passed by the Congress before. The reason is that no States have the same way to automatically check a driver's license for concealed-carry.

The Acting CHAIR. The time of the gentleman has expired.

□ 1410

Mr. CONYERS. I yield myself 15 additional seconds.

You cannot compare a carrying concealed weapons check with a driver's license because they are checkable. A concealed-carry weapon, there are States that don't even permit the information to be revealed from their database. So you're making a huge error that I hope can be corrected.

With that, Mr. Chairman, I yield 1 minute to the distinguished gentlelady from California (Ms. CHU), a member of the Judiciary Committee.

Ms. CHU. This bill is a blatant attempt to override and weaken States' laws on an issue that could endanger people's lives. It hurts my home State of California, which developed laws to protect residents by developing criteria on those who could carry concealed-carry weapons. With this bill, that all goes away.

This bill is so bad that it even allows drug dealers convicted of selling drugs to minors to carry a concealed weapon. California would not allow it because such permits can only go to those of good moral character. But under this law, we would have to accept the concealed weapon permit for every other State that allows weapons to these drug dealers. I offered an amendment in the Judiciary Committee to stop this, but those on the other side of the aisle voted it down.

With this bill, a person who endangers the lives of our children will be allowed to carry a concealed loaded gun nationwide, and you would be powerless to stop it. It is the individual States that are in the best position to determine how to best protect its citizens.

I strongly urge my colleagues to vote ''no'' on this dangerous bill.

Mr. SMITH of Texas. Mr. Chairman, first I would like to yield 15 seconds to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Chair, I just would suggest to my friend, the gentleman from Michigan, that he is correct, one cannot compare this strictly with people and driver's licenses. The fact is, first of all, driving a car is not a fundamental right to defense as enshrined in our Constitution. Secondly, cars kill many more people than guns. And, third, we don't usually defend ourselves with cars.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. AUSTRIA).

Mr. AUSTRIA. As a former chairman of the Ohio Senate judiciary committee, I helped lead the fight to pass the first concealed-carry law in the State of Ohio. And I can tell you, even with this law and this right, as one of the thousands of Ohioans with a concealed-carry permit, I understand the need to reinforce our Second Amendment rights by resolving the confusion and the problems that exist when traveling between States.

The National Right-to-Carry Reciprocity Act does just that; it allows Ohioans and others with valid CCW permits issued by their home State to concealed-carry while visiting any of the 49 States where it's not expressly prohibited.

H.R. 822 is not a Federal takeover. The bill preserves States' rights by requiring residents to comply with their home State's rules for getting a permit. The bill also maintains reciprocity agreements the States have already entered into with other States.

The bill simply strengthens and protects our constituents' Second Amendment rights, and that's why I've cosponsored this legislation and look forward to its passage.

Mr. CONYERS. Mr. Chairman, I yield myself 30 seconds.

I just want, when we decide how we're going to cast our vote on this bill, to realize you cannot compare a concealed-carry weapon permit with a driver's license. The States do not have the ability, they do not have the automated machinery to do that. Many will not even release this information; it's considered a private matter. Concealed-carry permit information cannot be revealed in many States.

I now yield 3 minutes to the former chairman of the Subcommittee on Crime, a distinguished member of the Judiciary Committee, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

Mr. Chairman, H.R. 822 will harm public safety. That's why law enforcement organizations such as the International Association of Chiefs of Police, the Major Cities Chiefs Associations, and many other law enforcement organizations oppose this bill.

This bill would allow people to use their concealed weapons permit in any State in the Union without regard to the standards and requirements of those other States. This bill even allows people who are ineligible to get a concealed weapons permit in their home State to go out of State and get a permit and use that permit anywhere in the country except their home State.

Some States have minimum standards for those who may be eligible to carry a concealed weapon. For example, some States require firearms training and others deny permits to those who are under 21 or those with certain convictions for assaulting police officers, selling drugs to kids, sex offenses against children, or domestic violence. Standards such as these would be overridden by this bill because permits from States without these standards would have to be recognized.

Now, many States already recognize concealed weapons permits from other States. My home State of Virginia recognizes many States' concealed weapons permits, but it requires a 24-hour

verification. And for this reason, many States do not enjoy reciprocity with Virginia because 24-hour verification is not available. In fact, one State, Colorado, doesn't even maintain a statewide database, so there can be no out-of-state verification. As has been indicated, a driver's license, any time of day, you can verify the validity of a driver's license. But the concealed weapons permit, many States do not have 24-hour verification.

In overriding the ability of States to control the carrying of concealed weapons by nonresidents, this bill would create a situation where the weakest State laws essentially become the national law. We would be creating a race to the bottom with our public safety laws.

Consideration of this legislation has been a challenge because apparently many people in this body believe that if more people carried guns, the crime rate would go down. Reliable studies, however, point out that the possession of a firearm is much more likely to result in the death of a family member or a neighbor than being used to thwart a crime.

This bill will undermine public safety. We should let the States decide whether or not or under what conditions to allow people who are in their State to carry concealed handguns. I urge my colleagues, therefore, to vote against this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. STUTZMAN).

Mr. STUTZMAN. I thank the gentleman for yielding.

Mr. Chairman, rights do not come from the government. We are, in the words of the Declaration of Independence, ''endowed by our Creator with certain unalienable rights.''

Mr. Chairman, the right to self-defense goes deep and cannot be taken away. The right to self-defense is the cornerstone for the Second Amendment. It is also the foundation for concealed-carry laws across this country.

I am proud that my home State of Indiana has established a responsible process for obtaining a lifetime permit. Today, 49 States have some sort of right-to-carry law.

Mr. Chairman, this bill ensures that permit holders in Indiana like myself can exercise our right to self-defense when our families travel across our great country. If you follow the law, your permit from one State will be honored by another.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

Ladies and gentlemen, forgive my passion on the discussion of this subject, but almost 300 young people of African American decent are injured or killed by gunfire from age 15 to 24 every week.

With that, I yield 2 minutes to my colleague, the gentleman from Illinois (Mr. QUIGLEY), a distinguished member of Judiciary.

Mr. QUIGLEY. Mr. Chairman, I rise in opposition to this measure.

I too offered an amendment which failed in committee. My amendment would have prevented individuals convicted of assaulting a police officer or impersonating a police officer from carrying concealed loaded guns. Several States that allow permits also deny them to those who have assaulted or impersonated cops. The law enforcement officials of these States have decided that that is what's best for their communities. This bill will wipe those protections away and then will go further.

May I remind my friends here who are citing the Constitution as their nexus for this law that the right to keep and bear arms in the interest of self-defense of a person at home is not unlimited.

□ 1420

As the Justices wrote in District of Columbia v. Heller, the right is not a right to keep and carry any weapon whatsoever in any manner whatsoever for whatever purpose. And, frankly, that's what the National Right-to-Carry Reciprocity Act purports.

So if we're interpreting the 14th Amendment, deeming the Bill of Rights applicable to the States in this manner as to the right to bear arms, then doesn't that argument also dictate that each State interpret other States' decisions on other laws and statutes in the same manner?

Does this mean that States should acknowledge abortion rights from one State to the next?

Does this mean that States should acknowledge alcohol laws from one State to the next?

Does this mean that States should acknowledge marrying licenses from one State to the next, particularly when it comes to same-sex marriage?

I have a feeling that many of my friends here today would answer those questions with a simple ''no.'' You see my trouble with today's premise, then.

I urge my colleagues to oppose this bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. I rise today in favor of H.R. 822. The right to bear arms is a staple of our Constitution as a basic American right, and we should continue to protect it while making sure our laws remain efficient.

I am one of 268,000 permit holders in North Carolina. This is not only a rights issue; more importantly, it is a safety issue. As millions of American families know, there is no greater threat to our families than the ability to protect. We must protect our families, and it cannot stop at States' borders.

H.R. 822 also does not impact State laws governing how concealed firearms are possessed or carried. Again, it does not jeopardize the States' rights.

I call on my colleagues to support this important piece of legislation.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

There are, my colleagues, over 65 million handguns in the United States; and nearly 100,000 people in America every year are shot or killed with a firearm.

I now yield 2 minutes to our distinguished Judiciary colleague, a former magistrate from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in opposition to this dangerous bill, the National Right-to-Carry Reciprocity Act. The 10th Amendment of the Bill of Rights of the United States Constitution provides as follows: ''The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people.''

Mr. Chairman, this bill would override the laws of almost every State by forcing them to accept concealed-carry gun permits from every other State, even if the permit holder would not be allowed to carry a handgun in the State where he or she is traveling. This is ridiculous. Each State should decide who may carry a concealed, loaded gun within their borders; and the Federal Government should respect the States' rights to do so.

The irony here is that my friends on the Tea Party Republican side of the aisle claim to respect States' rights, but then they rush this legislation to the House floor, which tramples over States' rights.

These Tea Party Republicans claim they want to create jobs for the millions of unemployed Americans in our Nation, but they are not focusing on creating jobs. Instead, they're bowing down to the National Rifle Association by moving this piece of special interest legislation forward.

I urge my colleagues to oppose this dangerous bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. KLINE), the chairman of the Education and Workforce Committee.

Mr. KLINE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong, strong support of H.R. 822, the National Right-to-Carry Reciprocity Act. This bill provides important protections for gun owners, and its time is past due.

As a retired marine and avid outdoorsman, I'm an experienced firearms owner and user. I hold a concealed-carry permit in the State of Minnesota, and I believe individuals have the right to keep and bear arms for the protection of their home, property, family and person. They have that right.

Unfortunately, there have been a lot of mischaracterizations surrounding this legislation. I've heard a lot of it here today. To be clear, this bill does not create a Federal licensing or registration system. It does not create Federal standards, or infringe on the ability of States to make laws for a carry permit, and it does not negatively affect States that have permitless carry systems.

Mr. Chairman, this bill will protect law-abiding gun owners from current confusion caused by the wide array of State laws and preempt the threat of frivolous lawsuits they could face simply by traveling outside of their home State. National Right-to-Carry Reciprocity provides critical recognition that the Second Amendment rights of our constituents do not end when they cross State lines, and this will enhance public safety.

I urge my colleagues to stand for the Second Amendment and to stand for the rights of responsible gun owners who engage in gun safety, and I urge them to support H.R. 822.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to our dear friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, the first reason this bill should be defeated is that it usurps State authority and replaces it with a lowest-common-denominator Federal directive.

This is a radical piece of legislation. In fact, today 43 States are not in compliance with this law; 38 States today prevent people from carrying concealed weapons if they have certain dangerous misdemeanor criminal convictions; 35 States require the completion of a short gun safety program.

The Commonwealth of Virginia has weakened its gun laws over the past 2 years, allowing concealed guns in bars and renewal of permits by mail. I disagree with these actions, but I would never question the general assembly's authority to make these decisions.

But this bill makes our State legislature's judgment irrelevant. This is a Federal power grab coming from a majority that claims to be a defender of States' rights.

The second reason that this bill should be defeated is that our law enforcement professionals oppose it. The International Association of Chiefs of Police, the Major Cities Police Chiefs Association, the Virginia Association of Chiefs of Police all oppose this bill. Why? Because they know that it will be nearly impossible for police to verify the validity of 49 different carry permits, placing officers in potentially life-threatening situations.

Some States don't even keep verifiable databases of those who have been issued concealed-carry permits. Law enforcement is trying to curb illegal gun smuggling, but this bill allows traffickers with concealed-carry permits to transport firearms into destination States and present an unverifiable permit if stopped by police.

This is a blatant legislative overreach, presumably because it was next on the NRA's legislative wish list.

We should defeat this bill, Mr. Chairman.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS of Arkansas. I rise today in strong support of H.R. 822.

If you get a driver's license in Arkansas, it's recognized in every State in the country. And if you have a concealed-carry permit, the same rules should apply. Our Second Amendment rights to own and bear arms are universal, and our laws should reflect that as best they can.

The National Right-to-Carry Reciprocity Act would allow every American citizen with a valid concealed-carry permit to carry a concealed firearm in all States that allow them for lawful purposes.

Let me be clear: If your State bans concealed firearms, then this law will not affect that ban. This bill does not change any State laws about when and where you can carry a concealed firearm. This bill does not create a new Federal licensing system. It simply reinforces our Second Amendment rights and makes the laws more fair for law-abiding gun owners.

As a strong supporter of the Second Amendment, I believe we must pass the National Right-to-Carry Reciprocity Act now, and I urge my colleagues to join me in voting for the bill.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. PASCRELL).

□ 1430

Mr. PASCRELL. I had to make a choice on this bill, whether I would support a disputable constitutional issue about whether you can by law carry a concealed weapon or move towards the other side to those who oppose this.

Now, who opposes this legislation besides me? Mayors Against Illegal Guns, the International Association of Chiefs of Police, the Major Cities Chiefs Association, and the Police Foundation oppose this bill. Doesn't this mean anything to you at all? Doesn't it? Or does it?

I prefer community policing than try to put more guns into the hands of those people who we don't even know are going to be trained to even use them. That's my preference, Mr. Chairman.

This means my home State of New Jersey—this is not Idaho, this is not Montana—in fact, we have the most densely populated State in the Union. There is a different culture. When Clinton argued on behalf of gun possession when he was the President of the United States, he always made this point about the cultural differences in different parts of the country. And we respect that.

I'm not against the Second Amendment. I support the Second Amendment. But I don't want those folks in the street who out-arm and out-gun our police officers.

The Acting CHAIR (Mr. SIMPSON). The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 15 seconds.

Mr. PASCRELL. Twelve thousand fewer police officers we have in this country; 12,000 fewer police officers in our streets. We should be worried about that as a priority rather than this as a priority.

So I made the decision. The evidence is like this against doing this. We haven't had any legislation which took away one gun in the past 20 years from anybody in this country—not one. So we have made the perception being that we want to take guns away from people.

How dare you even say it.

Protect our police. Don't vote for this.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KINZINGER).

Mr. KINZINGER of Illinois. The right to keep and bear arms is a real simple phrase. Some people have only negative thoughts. When the words ''gun'' or ''firearm'' are heard, thoughts immediately turn to criminals; but that's the problem because the debate we're having today isn't about criminals. It's about the rights of law-abiding citizens to bear arms for self-defense.

Look, Illinois is the only State without concealed-carry, but I'd argue we already have concealed-carry. There are people that are killed in Chicago very often by guns that are already concealed but not concealed by law-abiding citizens. Illinois is the only State that doesn't allow any form of it legally.

I want H.R. 822 to be a clear sign to the Governor of Illinois that now is the time to join the rest of the country in allowing citizens the right to conceal a firearm on their person. We hear so much about if we allow people to carry guns, more people are going to be killed. But that flies in the face of statistics.

After 2008, there was a record number of guns purchased, but we saw crime drop almost everywhere, bar none.

My point is that law-abiding citizens in this country are not the problem. Illinois needs to join the rest of the country in supporting conceal-carry for its citizens. And I believe that this is a sign that it's time to do so now.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlelady from Florida (Ms. WASSERMAN SCHULTZ), a former member of the Judiciary Committee.

Ms. WASSERMAN SCHULTZ. I rise in opposition to H.R. 822, the National Right-to-Carry Reciprocity Act.

This ill-conceived bill is yet another distraction from what should be the most pressing concern of this Congress, putting Americans back to work.

What's more disturbing is that this bill jeopardizes public safety by mandating that States honor even the most lax concealed-weapon laws of other States. The gentleman from Illinois is incorrect: this is about criminals.

For my constituents in south Florida, gun control is a serious issue. Miami-Dade County has one of the highest rates of gun violence in the country. In the entire State of Florida, there are almost 800,000 permits for concealed firearms. Florida's process

for issuing concealed-carry licenses is problematic enough, and I would certainly not suggest foisting it on any other State that has stronger safeguards that protect its citizens. But this bill will do exactly that.

For States that require age minimums or safety training before getting a concealed-weapons permit or that prohibits certain violent offenders from getting a permit in the first place, that all goes out the window if this bill is passed into law. What we get in return is the worst of the worst, a lowest-common-denominator of all of the State laws.

For example, in just one 6-month period in 2006, Florida gave concealed-carry licenses to more than 1,400 individuals who had pleaded guilty or no contest to felonies, 216 of them had outstanding warrants, 128 of them had active domestic violence injunctions. And under this bill, other States will be mandated to honor these permits. They will be mandated to allow Florida's self-admitted felons to carry concealed weapons in their States.

This is why the Nation's leading law enforcement organizations strongly oppose this bill. It's also opposed by more than 600 members of the bipartisan Mayors Against Illegal Guns, including many of my local mayors of both parties in south Florida.

Why would this bill be a higher priority than creating jobs? This is the 11th straight month of this Congress, and the House majority still has no jobs agenda.

Regardless of how Americans feel about guns, the overwhelming majority would agree that gun policy is not a higher priority than job creation is right now.

I urge my colleagues to vote ''no'' on this bill, and I urge my friends across the aisle to stop putting American lives at risk and start putting them back to work.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. COBLE), the chairman of the Courts Subcommittee of the Judiciary Committee.

Mr. COBLE. Mr. Chairman, I rise in support of H.R. 822.

Conceal-and-carry permits may be one of the most scrutinized permits for gun owners to receive. Unfortunately, the manner in which these permits are recognized by various States is confusing and inconsistent. H.R. 822 will help resolve this dilemma, Mr. Chairman.

For example, in my home State of North Carolina, conceal-and-carry permits from South Carolina and Georgia are recognized, but not permits from New Mexico.

Meanwhile, New Mexico readily recognizes conceal-and-carry permits from North Carolina. If enacted, there would be no discrepancy over which permits are valid. Another reason for supporting H.R. 822 is that it protects State sovereignty. States are not required to issue conceal-and-carry permits, and State laws regarding the use and ownership of firearms are explicitly preserved.

I firmly believe that the Second Amendment confirms a constitutional right for individuals to own a firearm, Mr. Chairman. I also believe that ownership and use of a firearm carries a special level of personal responsibility.

This bill promotes both of these ideals; and if enacted, it will help make America safer, which probably explains why this bill has 245 cosponsors.

I thank the chairman for yielding.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, this is another great example of legislation in search of a problem. Driven by ideological fervor of its sponsors rather than by any practical approach to safety, H.R. 822 would amend existing Federal law to establish a national standard for carrying concealed firearms.

As the sponsors well know, these matters have long been the province of the States. It's fascinating how quickly the majority ignores the 10th Amendment when the gun lobby comes calling. Why needlessly create a conflict, or should I say a shootout, between the Second and the 10th Amendments?

Passage of the Law Enforcement Officers Safety Act of 2004, which I voted for, and which permits qualified law enforcement officers to carry concealed firearms across States, makes this essentially redundant and unnecessary.

The bill before us would have the effect of overriding New Jersey's own laws in this area, which police officers and hunters and other citizens tell me work well and keep our citizens safe.

□ 1440

Ask our law enforcement officers. They'll tell you New Jerseyans live well within our gun safety laws. We don't need more lax laws.

Now, others have said today—but maybe it's worth repeating—that this body should be focusing on creating jobs, not passing ideologically driven, special interest legislation that would endanger public safety, subvert the constitutional order, and go against the interests and the declared recommendations of law enforcement officers all across the U.S.

The Acting CHAIR. The Chair would inform the managers that the gentleman from Texas has 9¼ minutes remaining and that the gentleman from Michigan has 2½ minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I strongly support the Second Amendment. For that reason, I signed on to the amicus briefs in the Heller case and in the McDonald v. City of Chicago case, upholding the right to bear arms as an individual and constitutional right. I believe that. At the same time, as the former attorney general of California, I continue to have a deep and abiding commitment to preserving States' rights in the manner that the Founders envisioned the notion of federalism.

Under the 10th Amendment, it is obvious that the Constitution allocates what are known generally as police powers to the States to protect public safety and health. That's why I object to some of our legislation to expand the Federal role in tort law and in marriage law, because it's not just those things you necessarily agree with, but it's tougher when it's those things you may disagree with that are left to the States. Some people have talked about licenses here. You don't have a right to take your license to practice medicine or law to the next State. We have not required that. We allow States to do that.

Here is the other thing.

My State is one of the most liberal. We have too liberal a law with respect to concealed weapons, but the only way the liberal State legislature in California will respond to this is by following Illinois, because it's the only way they can get a limit, as they see it, on these sorts of things.

The Acting CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 15 seconds.

Mr. DANIEL E. LUNGREN of California. My suggestion is, those who are concerned about it in my State might have to worry about this because our legislature will now be tempted to get rid of all concealed-weapons permits because, unfortunately, under this legislation, that's the only thing they can do to police the eligibility of those who get concealed-weapons permits.

So this does cut both ways, and at least I think we ought to understand that States' rights is a legitimate argument here on this floor.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. I would like to thank my colleague from Florida (Mr. STEARNS) for introducing the bill before us today.

Mr. Chairman, I support this bipartisan legislation for two reasons. One, I believe that our gun laws should ensure that a responsible, law-abiding individual is able to exercise his Second Amendment right to carry firearms. Two, this bill simplifies what is now a piecemeal system of existing reciprocal agreements among the States.

There are millions of concealed-carry permit holders in this country, including thousands in my State. They comply with State law to gain a State permit so that they can legally carry weapons for self-defense. By passing this bill, we will ensure that, when they travel to other States, they will be able to exercise their right to self-defense while away from home. This bill does not create a federal licensing or registration system. It does not allow a concealed-weapon permit holder to carry a concealed weapon in

States like Illinois, which do not allow concealed carry.

I think that addresses the criticism of this legislation that it would override a State's ability to determine who can carry concealed weapons within that State's borders. Permit holders who want to take their weapons with them to another State are required to be aware of and abide by that State's rules.

As a strong supporter of Second Amendment rights, I support this legislation, and I urge its adoption.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the chairman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 822, the National Right-to-Carry Reciprocity Act.

This bill is about freedom. It's about the Constitution and our Bill of Rights. This bill is about the Second Amendment right. As with all of the amendments contained in the Bill of Rights, these were born out of our experiences with King George and out of a desire to prevent such abuses of power in our Republic. Indeed, at the outset of hostilities during the Revolution, the British Army marched to Concord to confiscate our guns and extinguish our freedoms.

The Founders put the Second Amendment in the Bill of Rights to assure our right to keep and bear arms and safeguard our liberty. At least in my district, this is a nonpartisan bill. Republicans, Democrats and independents alike support the Second Amendment and hold dear our Bill of Rights.

The premise of H.R. 822 is very simple. If a citizen is permitted to carry a concealed weapon in one State, other States that have a concealed-carry law will honor and recognize it, supporting and strengthening the Second Amendment. I urge my colleagues to support it.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the chairman for yielding and for his leadership on this issue.

Mr. Chairman, I rise today in strong support of H.R. 822, the National Right-to-Carry Reciprocity Act of 2011.

This bipartisan bill has 245 cosponsors, and it enhances Americans' right to self-defense by enabling millions of permit holders to exercise their right to self-defense while traveling outside their home States.

The Second Amendment is in the United States Constitution, and we are all taking an oath in this body to uphold the United States Constitution, including rights under the Second Amendment. The 10th Amendment is certainly an important right as well, but it does not trump the right or the responsibility of this body to protect rights under the Second Amendment.

Forty-nine States have laws that permit their citizens to carry a concealed firearm in some fashion or another. Unlike driver's licenses, however, concealed-carry permit holders in one State are not always authorized to carry their firearms when traveling outside their home States.

H.R. 822 remedies this problem by granting concealed-carry permit holders reciprocity between States. The firearm owner must abide by all applicable State laws when carrying in a foreign jurisdiction. This bill affirms that the Second Amendment protects the fundamental individual right to keep and bear arms and that the States cannot unreasonably infringe upon that right.

In McDonald v. Chicago, the Supreme Court concluded that the due process clause of the 14th Amendment incorporates the Second Amendment right recognized by the Supreme Court in the District of Columbia v. Heller.

This bill does not create any kind of Federal bureaucracy that may concern some people. It simply extends to them their Second Amendment rights when they travel in other States. H.R. 822 recognizes that right, and I urge my colleagues to support this measure.

The Acting CHAIR. The gentleman from Texas has 4¼ minutes remaining. The gentleman from Michigan has 2¼ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Georgia (Mr. WOODALL).

Mr. WOODALL. I thank the gentleman for yielding.

I love the Second Amendment. I got my first gun from Santa Claus when I was 6 years old. The first handgun I ever fired wasn't my dad's or my uncle's or my grandfather's—it was my mother's. I got my first concealed-carry application filled out as a freshman in law school. I lived in a bad neighborhood and needed it for self protection. I've had it for the last 20 years. I love the Second Amendment.

But if the Second Amendment protects my rights to carry my concealed weapon from State to State to State, I don't need another Federal law that says, yeah, I really mean it. It's already protected. If the Second Amendment doesn't protect my right to carry a concealed weapon from State to State to State, then the Ninth and 10th Amendments leave that responsibility to individuals and the States to regulate on their own.

I came to Congress to protect freedom. I don't believe the Second Amendment was put in the Bill of Rights to allow me to shoot targets. I don't believe the Second Amendment was put in the Bill of Rights to allow me to hunt for deer and turkey. I think the Second Amendment was put in the Bill of Rights so that I could defend my freedom against an overbearing Federal Government.

I don't want the Federal Government in any issue of the law where the Constitution does not require it.

And it does not require it here.

Don't tell me it's an Interstate Commerce Clause issue; we dismiss that on my side of the aisle regularly. Don't tell me it's necessary and proper; we dismiss that on our side of the aisle regularly. And don't tell me it's full faith and credit because we dismiss that on our side of the aisle regularly.

□ 1450

The temptation to legislate is great. The temptation is great. I absolutely believe in the intent of this legislation. I want the right to carry from coast to coast. Georgia has already orchestrated reciprocity agreements with 25 States. We've got 24 more to go. The Second Amendment exists so that we can keep and bear arms to defend ourselves against government, no matter how well-intended. Rather than arms, I ask my colleagues to use their voting cards today to defend us against the overreach of the Federal Government, no matter how well-intended.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

I have listened to this debate. This is a reciprocity vote that allows me to carry my weapon, as I have carried it for the last 50 years, from one State to another as long as I have a permit and they do also.

But more than that, I am a little bit resentful when I hear on the floor that this is ''the will of the NRA.'' Now, I am proud to have been a lifetime member of the NRA—since I could vote. I am a member today. I participate in their board meetings, and I am proud of that organization. It is probably one of the leading organizations. But to cast that in the form of ''they are not the people of America'' is wrong. The greatest strength the NRA has is its members. There is talk about how strong they are as a lobbying group. The lobbying group is the citizen, the citizen that wants to carry his arm, as permitted, across State lines, as they do with a driver's license.

This is a good piece of legislation. I'm glad we are having this discussion. There can be differences of opinion. But don't take it away from myself to go from Alaska with my permit and go into the other 48 States, I believe it is, that have permits and I can't use my permit. That's wrong. Let's vote for this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Mrs. ADAMS), a member of the Judiciary Committee.

Mrs. ADAMS. I rise in support of H.R. 822.

As a former law enforcement officer and a State representative, I have dealt with issues relating to our Second Amendment right.

It's interesting when I hear some of the blurring between gun purchasing and a concealed-carry permit. I have done both. And as a law enforcement

officer, I would like to know, if someone would tell me, ''Hey, I have a concealed-carry permit and I have a weapon,'' rather than finding it either by accident or having it pointed at me. So I stand in great support of this piece of legislation. I do believe that it is good legislation. It will not harm the people, as I have heard here on the floor.

And I have heard that we aren't working on jobs. Well, I beg to differ that issue because we have passed over 20 bills sitting in the Senate that have not been heard that would relate to jobs. So, yes, we are working on jobs and the economy, and we also are working on other issues that are brought to us from our constituents.

I stand in great support of H.R. 8122.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

H.R. 822 is important legislation that recognizes that Americans' ability to exercise their fundamental constitutional rights should not disappear at their State's border. The parade of horribles that have been alleged by some of my colleagues on the other side of the aisle are simply not true. Federal law already prohibits felons, domestic abusers, and illegal drug users from possessing a firearm. This legislation does not change that. If a person is prohibited from possessing a firearm under Federal law, they cannot carry a concealed weapon under this bill.

The arguments we have heard so often today against this legislation are against guns in the hands of violent criminals generally, not against legally permitted concealed weapons. Concealed-carry laws have shown that concealed weapons actually lower violent crime rates in a jurisdiction. H.R. 822 simply permits law-abiding Americans to take their Second Amendment rights with them when they travel.

I urge my colleagues to support this bipartisan piece of legislation, and I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Chair, I rise today in strong opposition to H.R. 822, the National Right-to-Carry Reciprocity Act of 2011.

By forcing each state to recognize every other state's concealed carry permits, this legislation would create serious safety challenges for communities and law enforcement officials across the country. Further, it seriously infringes upon individual states' rights to set minimum standards based on local needs and concerns.

This legislation has been called the ''lowest common denominator approach'' to public safety. Currently, states use widely varying criteria to determine who is allowed to carry a concealed firearm. At least 38 states prohibit individuals convicted of certain dangerous misdemeanor crimes from obtaining concealed carry permits; 35 states require completion of a gun safety program or other proof of competency in order to receive a permit; at least 36 states have age restrictions; and 29 states will not award concealed carry permits to alcohol abusers.

Forcing national reciprocity would allow individuals who would be denied a permit in their home state to apply for a permit in a less restrictive state. It jeopardizes the safety of police officers making routine stops, who may not have the resources to verify the validity of an unfamiliar, out-of-state concealed carry permit.

Mr. Chair, right now states can determine their own concealed carry regulations. They can choose to enter into reciprocity agreements with other states, and they can choose to end those agreements. They can choose to only allow residents of the state to obtain concealed-carry permits, or they can opt to issue licenses to both residents and non-residents. They can chose, as Illinois has so sensibly done, not to allow concealed carry at all.

Different states have different crime fighting concerns and priorities, and this legislation is a dangerous attempt to override state laws. I urge my colleagues to join me in opposing this bill.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in strong support of H.R. 822, the National Right-to-Carry Reciprocity Act of 2011.

This important, bipartisan, legislation reinforces fundamental rights enshrined in the U.S. Constitution by allowing any person with a valid, state-issued concealed firearm permit to carry a concealed firearm in any state that issues concealed firearm permits.

As an avid hunter and outdoorsman, and as a lifetime member of the National Rifle Association, I can share with personal experience the frustration of my fellow hunters and outdoorsmen the absurdity of having to know which states recognize visiting permit holders from other states and which states that do not.

Our country should not force its law-abiding citizens to check in their fundamental right to self-defense at the state line.

The National Right-to-Carry Reciprocity Act would clarify this matter by requiring states that allow concealed carry to recognize each other's permits, similar to how states recognize each other's driver's licenses.

Right-to-carry laws also help deter crime. Presently, 40 states have right-to-carry laws. Based on crime data from the FBI, right-to-carry states have 22 percent lower total violent crime rates in comparison to the rest of the country.

In my home state of Texas, violent crime has dropped 20 percent and the murder rate has dropped 31 percent, since the enactment of its right-to-carry law in 1996.

This legislation is also in-line with recent rulings found by the U.S. Supreme Court. In 2008 in District of Columbia v. Heller and again in 2010 in McDonald v. City of Chicago, the high court found the right to possess a firearm for self-defense cannot be infringed.

I am a proud co-sponsor of the bill and have co-sponsored similar legislation in previous Congresses.

I call on my colleagues on both sides of the aisle to stand up in support of the U.S. Constitution and the millions of hunters and outdoorsmen in our country and vote in favor of this bill.

Mr. WAXMAN. Mr. Chair, I rise in strong opposition to H.R. 822, the National Right-to-Carry Reciprocity Act.

I share the view of many Californians that states have a responsibility to enact commonsense measures to keep deadly weapons out of the hands of children, criminals and individuals with a history of serious mental illness. I am appalled that this bill would supersede reasonable state standards and subject California to weaker and oftentimes dangerous gun laws of other states.

As the leading Democrats on the Judiciary Committee stated in their dissenting views to this bill:

> H.R. 822, the 'National Right-to-Carry Reciprocity Act of 2011,' is a dangerous bill that would override the laws of almost every state by obliging each to accept concealed handgun carry permits from every other state, even if the permit holder would not be allowed to carry or even possess a handgun in the state where he or she is traveling. The law tramples federalism and endangers public safety.

For example, in California, we believe—and it is the law—that if you're a convicted sex offender, you should lose your right to own a gun. But under this bill, an individual in California convicted of misdemeanor sexual battery could carry a firearm.

In California, it is the law that gun owners should have some basic training to ensure guns are stored safely and away from children. But under this bill, individuals with no knowledge of how to handle a firearm could keep and carry a gun in California.

In California, we believe—and it is the law—that gun owners should have a clean criminal record. But under this bill, a man convicted of multiple counts of domestic violence could walk the streets of California with a concealed handgun.

This is not a trivial issue. In January 2008, a Florida man, Michael Leopold Phillips, killed his wife and then turned the gun on himself, committing suicide. Mr. Phillips had a long history of spousal abuse; he had been arrested on three occasions for domestic violence, and an ex-wife had issued a restraining order against him years earlier. But Florida has some of the most relaxed gun laws in the country, and Mr. Phillips was granted a concealed carry permit by the state even though he had documented history of abusing women.

I believe that California should have every right, with the full force of our laws behind them, to keep guns out of the hands of people like Mr. Phillips.

The Republican leadership likes to preach its fidelity to the overarching principle of states' rights—but this bill shows their fidelity to states' rights is subject to a test of political convenience. When it comes to a state's right to decide how to protect its citizens from gun violence, the Republican leadership has ceded its principles to the gun lobby.

This bill is an affront to federalism and an assault on public safety. I urge my colleagues to vote no on this dangerous legislation.

Mr. TOWNS. Mr. Chair, I rise in strong opposition to the National Right-to-Carry Reciprocity Act, which preempts the laws of almost every state by obliging each to accept concealed handgun carry permits from every other state, even if the permit holder would not otherwise be allowed to carry or even possess a handgun in the state where he or she is traveling. Presently America's economy is struggling. Many of our citizens are devastated by unemployment and crime rates are an issue of national concern. Therefore, extending handgun laws simply does not seem logical.

I am greatly perturbed by the negative ramifications that this bill will have on individual state's abilities to protect their citizens from

gun violence. For example, states such as Arizona, California, Connecticut, Delaware, Florida, Hawaii, Iowa, Kentucky, Louisiana, Massachusetts, Michigan, Nebraska, New Jersey, Nevada, Oklahoma, Rhode Island, Tennessee, Texas, Utah, Wisconsin, and Wyoming require gun safety training as a requirement to obtain a concealed carry permit. North Dakota requires certain permit applicants only to pass an open book exam to satisfy its requirement. My state, New York prohibits carrying by individuals younger than 21 years of age. H.R. 822 eliminates the authority of states to select who may be eligible to carry a concealed loaded gun in public. Who can decide the best protective policies for each state besides the officials elected to represent it?

Additionally, H.R. 822 can potentially endanger the lives of our valued law enforcement officers who strive to protect our citizens. Out of state carrying permits are extremely difficult to verify since a national permit database does not exist and officers tend to have difficulties establishing the validity of these particular permits. Such an impediment can lead to an escalating situation during traffic stops or other high risk situations that could end fatally. Law enforcement officers work diligently to ensure that streets are safe for our citizens but H.R. 822 makes this task more difficult in numerous ways for these esteemed officers. It is our responsibility to protect these law enforcement officials who put their lives at risk on a daily basis to ensure the safety of our citizens.

Supporting this bill will indubitably reverse the efforts by officials in New York to reduce already challenging crime rates. Supporting this bill will jeopardize the safety of my constituents, New York residents and citizens nationwide. Our constituents depend on us to maintain a safe country for them and the generations after them. Voting in support of this bill will put all of our lives at risk. I urge my colleagues on both sides of the aisle to vote ''no'' on this Bill.

Mrs. MILLER of Michigan. Mr. Chair, my home slate of Michigan is one of 49 in the nation that currently has a law that allows individuals to receive a license to carry a concealed weapon.

Some warned that right-to-carry laws would lead to an increase in crime, but the facts bear out that just the opposite is true. Violent crime has gone down substantially across the nation as more and more states instituted right-to-carry laws.

When criminals know that law abiding citizens have the ability to defend themselves they have to think twice before victimizing people. This legislation simply allows those who have gotten the training to receive a permit to carry in their home state to use that permit in other states.

The bill also requires that concealed weapons permit holders abide by the local laws in the state where they choose to exercise this right and thus is not a federalization of gun laws.

Just as another state cannot deny drivers license holders from Michigan the ability to drive in that state, they should not deny concealed carry permit holders from Michigan the right to carry.

I urge my colleagues to join me in supporting this legislation that strengthens the Constitutional rights of all Americans.

Mr. FARR. Mr. Chair, I am strongly opposed to the National Right to Carry Reciprocity Act of 2011. This misguided bill is unworkable in practice and will compromise officer safety and public security. Furthermore, this bill flagrantly treads on the rights of states to legislate and enforce public security within their own states.

It is very troubling that at the very time where we all have the responsibility to be more aware of our public security, my colleagues have introduced a bill that values Wild West ''shoot 'em up'' swagger over reasonable measures to protect public safety.

This bill will make it easier for criminal gun traffickers to travel to gun markets across the country with loaded weapons, without concern for any police scrutiny. Gun traffickers who have concealed carry permits would be able to bring cars or backpacks full of loaded guns into destination states and simply present their permit if stopped. As a practical matter, to arrest the traffickers, law enforcement would have to observe them in the act of selling guns. Far too many U.S.-purchased weapons make it into the hands of criminals in Latin America, and H.R. 822 would only exacerbate this problem.

Mr. Chair, while I support gun rights for law abiding citizens for sport and collection, I simply cannot support this bill.

I hope my colleagues will join with me and the California Police Chiefs Association, along with other national law enforcement organizations, to defeat this misguided and destructive legislation.

Mr. VAN HOLLEN. Mr. Chair, I rise to oppose the severely flawed H.R. 822, the National Right-to-Carry Reciprocity Act.

This bill would make it difficult for states and local governments to enforce their firearms laws and puts the safety of the public and law enforcement at risk. State and local regulations of firearms vary dramatically. Some states have no standards for carrying a firearm beyond the minimum federal requirements. In Maryland, alcoholics and drug addicts, those convicted of certain crimes, or those with a propensity for violence or mental instability, among other things, may not obtain a permit to carry a firearm. This bill would require Maryland to accept concealed carry gun permits from other states even when the permit is not in compliance with Maryland law.

Since there is no national database for concealed carry licenses, it is difficult for states to authenticate conceal carry licenses from out of state. This is one of the reasons Maryland currently does not recognize any out-of-state permits. The inability to quickly and accurately verify the validity of out of state concealed carry permits creates additional risk for law enforcement officers. William McMahon, the President of the Maryland Chiefs of Police Association, recently called this legislation ''dangerous and unacceptable.''

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

Mr. GINGREY of Georgia. Mr. Chair, I rise today in strong support of H.R. 822, the National Right-to-Carry Reciprocity Act of 2011, which was introduced by my good friend, Representative CLIFF STEARNS from Florida. H.R. 822 is a sorely needed, commonsense reform to the enforcement of the concealed firearms permitting process. For too long, law-abiding citizens have been forced to struggle with conflicting and often confusing state laws. When traveling, many gun owners are sometimes forced to choose between safety and obeying the incompatible laws of another state, even if they have a valid permit in their home state.

In practice, the current system makes the permitted carrying of a concealed weapon legal on one side of an arbitrary line on a map and illegal on the other. Mr. Chairman, it makes no more sense for a state to deny the concealed-carry permit of another state than it would to deny a drivers license in the same scenario. This is simply another example in a long line of bureaucratic infringements on individuals' abilities to exercise their constitutionally protected Second Amendment rights.

Mr. Chair, I commend Mr. STEARNS for his leadership on this issue. The Founding Fathers envisioned a country in which the government existed in order to ensure the rights to ''Life, Liberty, and the Pursuit of Happiness,'' not to create a litany of rules and regulations that ultimately hinders the pursuit of any of them.

Mr. Chair, the American people are demanding a country in which they can freely exercise the rights guaranteed to them in the United States Constitution, and I believe H.R. 822 is a terrific step in the right direction. I urge my colleagues to support the Second Amendment's rights of law abiding citizens everywhere and vote in favor of H.R. 822.

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

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

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

H.R. 822

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 ''National Right-to-Carry Reciprocity Act of 2011''.

SEC. 2. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

''§ 926D. Reciprocity for the carrying of certain concealed firearms

''(a) Notwithstanding any provision of the law of any State or political subdivision thereof (except as provided in subsection (b)), a person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and who is carrying a valid identification document containing a photograph of the person, and a valid license or permit which is issued pursuant to the law of a State and which permits the person to carry a concealed firearm, may possess or carry a concealed handgun (other than a machinegun or destructive device) that has been shipped or transported in interstate or foreign commerce, in any State, other than the State of residence of the person, that—

''(1) has a statute that allows residents of the State to obtain licenses or permits to carry concealed firearms; or

''(2) does not prohibit the carrying of concealed firearms by residents of the State for lawful purposes.

''(b) The possession or carrying of a concealed handgun in a State under this section shall be subject to the same conditions and limitations, except as to eligibility to possess or carry, imposed by or under Federal or State law or the law of a political subdivision of a State, that

apply to the possession or carrying of a concealed handgun by residents of the State or political subdivision who are licensed by the State or political subdivision to do so, or not prohibited by the State from doing so.

''(c) In subsection (a), the term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, or a political subdivision of a State which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.''.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 926C the following:

''926D. Reciprocity for the carrying of certain concealed firearms.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 3. GAO AUDIT OF THE STATES' CONCEALED CARRY PERMIT OR LICENSING REQUIREMENTS FOR NON-RESIDENTS.

(a) The Comptroller General of the United States shall conduct an audit of—

(1) the laws and regulations of each State that authorize the issuance of a valid permit or license to permit a person, other than a resident of such State, to possess or carry a concealed firearm, including a description of the permitting or licensing requirements of each State that issues concealed carry permits or licenses to persons other than a resident of such State;

(2) the number of such valid permits or licenses issued or denied (and the basis for such denials) by each State to persons other than a resident of such State; and

(3) the effectiveness of such State laws and regulations in protecting the public safety.

(b) Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the findings of the study conducted under subsection (a).

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112–283. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112–283.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 25, strike ''that—'' and insert ''that does not have in effect an agreement with the State that issued the license or permit providing for reciprocal treatment of such licenses or permits issued by the 2 States, and that—''.

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Georgia (Mr. WOODALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

The amendment I have introduced today, because I have such appreciation for the goal of H.R. 822, says: Understanding what we are trying to get is reciprocity across the Nation for all of those States and for all of those citizens that have already labored in the vineyards to achieve reciprocity, let's leave those State agreements in place. If we must take more Federal responsibility, let's not take it from those areas where the States are working, where the process is working. If you live in my next-door neighbor State, in Alabama, you already recognize 22 other States' permits; in Georgia, we recognize 23; in Florida, to our south, 33. The system is working today. Legislatures are working out these agreements today. If we must expand the size and scope of the Federal reach in the gun law legislation, let's not trample on those agreements that already exist to achieve this goal that so many share.

I absolutely support the goal of H.R. 822, which is to ensure that all Americans have concealed-carry reciprocity across the Nation. That is already happening today, Mr. Chairman, through State legislatures, through State attorneys general, through State Governors negotiating these agreements. My amendment would leave those agreements in place and preserve the rights of States to continue to legislate and regulate in this area.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

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

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

This amendment undercuts the uniform eligibility standard that forms the foundation of this legislation. The underlying bill allows individuals with valid State-issued permits to carry a concealed firearm in all other States that also authorize concealed carry. This Second Amendment right to bear arms is, therefore, limited by this amendment.

Forty-nine States authorize concealed carry, and 40 of those States have reciprocity agreements with all or some of the other concealed-carry States. But these agreements vary from State to State, creating a patchwork of laws that limits reciprocity, creates confusion for gun owners, and undermines the Second Amendment. The amendment offered by the gentleman from Georgia keeps this patchwork in place by exempting States with reciprocity agreements from the bill. The amendment prevents individuals from taking advantage of nationwide concealed-carry reciprocity unless the State they reside in has a separate agreement with the State they wish to travel to.

While I appreciate my colleague's dedication to the concept of States' rights, I think it is misapplied to this legislation. H.R. 822 upholds States' rights in several important ways:

First, it does not apply to those jurisdictions that prohibit concealed carry, such as Illinois and the District of Columbia;

Second, the bill does not affect a State's right to set eligibility requirements for its own residents;

Third, H.R. 822 does not impact State laws governing how concealed firearms are possessed or carried within the various States. All State, Federal, and local laws that prohibit, for example, carrying a concealed handgun in a public building or a place of worship apply equally to any nonresident concealed-carry holder; and

Fourth, this legislation does not create any authority for the Federal Government to regulate concealed-carry permits. No Federal agency has any role in the implementation or oversight of this bill which is left, rightfully, up to the States. But, most importantly, this bill respects and protects an individual's right to bear arms while they are traveling.

In two recent decisions, the U.S. Supreme Court affirmed that the Second Amendment endows individuals with the right to keep and bear arms, and this right is based in large part on the right to defend one's self. Americans don't need to simply defend themselves in their homes. They must also be able to defend themselves outside their homes and while traveling to other States.

□ 1500

Eighty percent of violent crime occurs outside the home, according to the Justice Department. Americans cannot fully be empowered to defend themselves if they are prevented from exercising all their Second Amendment rights. H.R. 822 advances the Second Amendment right to bear arms, and I regret, I believe this amendment infringes upon that right.

For these reasons, I oppose the amendment, and I reserve the balance of my time.

Mr. WOODALL. Mr. Chairman, in closing, I thank the chairman of the committee for his work on these issues. I agree with so much of what he had to say, that it is absolutely true that the merit of this legislation is that it eliminates the patchwork of reciprocity agreements that go on across this country. And the price we pay for eliminating that patchwork is trampling upon the work of the States.

Now, I'm a freshman in this House, Mr. Chairman, and I think small government conservatives in previous Congresses have lost their way, particularly during the Bush administration. They went along with a huge expansion of government regulation, with the very best of intentions. They went along with the huge expansion of the size of government, with the very best of intentions. They increased the regulatory burden of the Federal Government, with the very best of intentions.

And this bill today is brought with the very best of intentions. But when previous Congresses have gone along with the very best of intentions, personal freedom and liberty have been eroded, even with the very best of intentions.

Mr. Chairman, the only thing that happens if the Woodall amendment passes today is that agreements that already exist for reciprocity, and any future agreements made for reciprocity, will be held supreme over a unified Federal standard. I ask my colleagues, my Republican colleagues and my Democratic colleagues, isn't it worth it? Isn't sacrificing a uniform framework worth it to protect the rights of State legislatures and the work of citizens across this country that they have put in to protect, preserve, and promote Second Amendment rights across this Nation.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. SMITH of Texas. I yield 30 seconds to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman, for yielding me this time.

Mr. Chairman, I rise in support of Congressman WOODALL's amendment. I would point out that currently States have the ability to enter into reciprocity agreements with other States. This legislation, should it pass, would take that ability away. It would mandate that there be this reciprocity agreement, and that's usurpation of States' rights.

I have no problem with the Second Amendment, by the way, and the NRA is a lobbying organization which is quite powerful here in Washington, DC.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The whole point of this bill is to allow those who have concealed-carry permits to freely carry their weapons into other States that also have and recognize concealed-carry permits.

If we were to accept this amendment, in my judgment, we would be infringing upon the Second Amendment. I feel that the Second Amendment should be enforced. We ought to interpret it broadly. We ought to allow individuals to take advantage of their Second Amendment rights, travel freely from one State to another without restrictions except for the restrictions that are required locally by their State and local governments.

I mentioned awhile ago that one recognition of State prerogatives that we have in the bill is that, for example, if one State does not allow individuals who have concealed-carry permits to go into a public building or a sports event or some other type of location, they are not going to be allowed to do so even if they have a concealed-carry permit from out of State.

So, once again, we need to respect the right that is given to us by the Second Amendment in a complete, full way. We need to allow individuals with concealed-carry permits to travel freely from State to State. This underlying bill does that, with one exception: the State of Illinois does not recognize concealed-carry permits. You would not be able to carry a weapon into that State. But except for that one State, we need to embrace the Second Amendment in every way that we can practically, recognize the Supreme Court has done the same thing, and allow individuals to travel with those concealed-carry permits.

I yield back the balance of my time.

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

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

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112–283.

Mrs. MCCARTHY of New York. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 25, strike ''that—'' and insert ''that has in effect a law providing that the provisions of this section shall apply with respect to the State, and—''

The Acting CHAIR. Pursuant to House Resolution 463, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank my colleague from Michigan (Mr. CONYERS) for working with me on this issue. I rise totally in opposition to H.R. 822.

It saddens me, but it does not surprise me, that we're here having this debate today. H.R. 822 is an unnecessary and seriously flawed piece of legislation. This bill overrides the decisions of States and forces them to recognize concealed-carry gun permits from every other State.

Almost every State currently allows carry permits, but States differ substantially in regards to their permitting requirements. They have different minimum age requirements. Some States require safety training before receiving a permit, and some States bar people convicted of certain crimes. These different requirements have been put in place by the elected legislatures of the States who did so with an understanding of the specific needs of their communities. H.R. 822 erases all of that and creates an unworkable system.

Under this bill, States with strong gun safety laws, such as New York, California, and Massachusetts, would allow out-of-State visitors, potentially as young as 18, to walk down our streets armed and dangerous. There are States in our Nation that don't require a background check before issuing a concealed-carry permit. There are States in our Nation that don't require any firearm training before letting people walk around with a concealed weapon. These are decisions that those States made for themselves. I don't want those decisions imposed upon the communities I represent, and neither should anybody else.

Also, police officers would be faced with the task of attempting to determine the authority of permits from 48 other States on the fly and in potentially tense situations. Simply put, this bill is anticommunity, antisafety, and antipolice.

And, finally, the bill attempts to solve a problem that simply does not exist. Many States have chosen to enter into these agreements with other States to honor each other's concealed-carry permits. Nothing is stopping a State from recognizing a permit from any other State. The fact that States have not done so represents a deliberate choice to only enter into agreements with States that they feel have the proper approach to issuing concealed-carry permits.

The Federal Government should not be second-guessing the decision of the States in this matter. It saddens me but does not surprise me. We are here today discussing not how to make Americans safer and reduce gun violence, but, instead, we're talking about how to weaken our gun laws and considering a bill that takes local decisions out of the hands of local officials.

The gun manufacturing lobby will try to say otherwise, but I fully support the Constitution, as my colleague mentioned before. I believe in the rights afforded in the Second Amendment, and I support law-abiding gun owners. In the absence of a perfect, nonviolent society, however, we must make laws to protect the public. I know this firsthand. After all, it was a man with a concealed handgun that took the life of my husband and gravely wounded my son on the Long Island Railroad back in 1993.

Now, you may hear arguments today about interstate commerce as a justification for this bill, but this bill has nothing to do with interstate commerce. This bill is simply about the Federal Government overriding the States' laws about who can carry a concealed weapon.

You may also hear comparisons to State-issued driver's licenses, which are recognized nationwide. But if we want to compare guns to cars, as the gun lobby often likes to do, let's have

this conversation. Cars and their use are among the most heavily regulated consumer products and activities in the United States due to the safety risk they pose.

One thing that does surprise me, though, is why so many supporters of this bill who have been so vocal about defending States' rights in the past are now choosing, in this instance, to trample on States' rights.

□ 1510

Federalism dictates that some things should remain with the States and some things should be addressed at the national level.

Going back to the matter of interstate commerce, I'm sure all Americans would love to see the House address interstate commerce in a more direct way, which is getting Americans back to work and growing the economy. We should be talking about how to create jobs and prepare the next generation to succeed in the global economy. Instead, we're talking about how to trample on States' rights, weaken gun laws, and make America less safe, all to please our country's powerful gun lobby. So, as I said, it saddens me, but it does not surprise me that we're having this debate today.

I have an amendment under which States would be required to proactively opt-in to the agreements called for by H.R. 822. The intent of this amendment is to require that States affirmatively pass legislation enacting the provisions of H.R. 822 before the bill can go into effect in that State. This would restore States' rights, something I believe in.

I urge my colleagues to support this amendment and oppose H.R. 822.

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

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

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

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

This amendment frustrates the basic purpose of H.R. 822. It requires that States pass legislation to implement the bill's provisions.

The Supreme Court, in two recent cases, has recognized a fundamental individual right to bear arms that is largely based on the right to defend oneself and one's family. Over 80 percent of violent crime occurs outside of one's home, according to the Department of Justice. This means that for the right to bear arms in self-defense to have any meaning, law-abiding citizens with permits should be able to carry firearms outside of their homes and sometimes across State boundaries.

Under current law 40 States have established a patchwork of reciprocal agreements that can be confusing for concealed-carry permit holders to navigate. H.R. 822 provides uniformity to our concealed-carry laws by creating nationwide reciprocity for concealed-carry permit holders. By contrast, this amendment allows States to opt out of H.R. 822's Federal grant of reciprocity. And it provides that only States that choose to pass laws implementing the legislation must recognize out-of-state concealed-carry permits. This amendment would, in effect, just continue the status quo and so would be of no help to individuals with concealed-carry permits.

Since 2004 police officers have enjoyed the right to use a concealed-carry permit to take a firearm across State lines. And, in 2010, President Obama signed legislation to include other law enforcement personnel who could take advantage of this ability. It is ironic that some of these groups now want to deny this same right to law-abiding citizens with concealed-carry permits.

According to a 2009 Zogby poll, 83 percent of those polled said they supported concealed-carry laws—83 percent. Over 4 million Americans across the country have qualified for a concealed-carry permit. They, most likely, endorse this legislation.

I appreciate the gentlewoman from New York's mentioning States' prerogatives, and I hope she will express the same sentiments about other pieces of legislation. H.R. 822 retains the States' ability to regulate firearms in their own States by making clear that all State regulations regarding how a firearm is carried continue to apply to both residents and nonresidents, and by keeping in place the State's own permitting process.

I urge my colleagues to join me in opposing this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

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

Mrs. MCCARTHY of New York. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112–283.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 1, insert ''(A)'' after ''(1)''.

Page 6, line 4, strike ''(2)'' and insert ''(B)''.

Page 6, line 5, strike the period and insert ''; and''.

Page 6, after line 5, insert the following:

''(2) provides for the issuance of such a license or permit, and requires the applicant for such a license or permit to complete and submit the application to the State in person.''.

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

My amendment would exempt States from right-to-carry reciprocity when the State does not require individuals to apply for and complete a carry permit application at their local law enforcement station.

The United States Congress should never be in the business of stripping States of the right to make their own decisions about whether to recognize other States' permits. States have put forward a considerable amount of time trying to determine just what is best for their citizenry in reference to safety. By overriding State-based concealed-carry laws and forcing States to recognize concealed-carry permits from every other State, we're putting our State and local law enforcement in grave danger.

Two nights ago the sheriff in my county and I discussed this matter. I might add he is a Republican sheriff who is a friend of mine. We discussed this matter, and we concluded that it's going to be very difficult to get people to want to become police officers. Not only are they being attacked in reference to their organizing efforts, but now we are going to make it difficult for them to do their jobs.

This amendment closes a loophole that would otherwise be created by H.R. 822.

Almost every State allows concealed-carry in some form, but States differ in how they implement their concealed-carry policies, including having, as has been mentioned, different age requirements, training requirements, and excluding individuals guilty of certain crimes. One of these major discrepancies is addressed in this amendment and would force a State wishing to enforce H.R. 822's State reciprocity requirement to make certain carry permit applications are completed at an individual's local law enforcement station.

In my home State of Florida, concealed-carry permits may be granted to nonresidents, and all applicants are allowed to apply by mail. It is so easy that a staffer in one of our offices was able to complete the form in less than 30 minutes. If H.R. 822 passes, residents and nonresidents of Florida would be able to apply by mail from almost anywhere in the country and use their concealed-carry permits throughout the country.

Mr. Chairman, gun violence continues to grow at astounding levels in the United States. When the Surgeon General was Mr. Satcher, he called it an epidemic and even said that it was a health crisis so many people were killing each other with weapons.

Mr. CONYERS. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for his amendment. I rise in support of it and observe that last year, over 70 percent of Utah's concealed-carry permits were issued to nonresidents. I commend the gentleman.

Mr. HASTINGS of Florida. I thank the gentleman from Michigan.

Mr. Chairman, the last thing we need is to tell sovereign States that they are no longer free to make the decision to require an in-person interview when making a gun permit determination. At least 10 States grant law enforcement broad discretion to deny permits to carry concealed, loaded guns based on an applicant's record or other factors. Fourteen other States grant law enforcement more limited discretion. In addition, at least 14 States require applicants to show good moral character. Many of these States require applicants to present themselves in person for interviews. For example, applicants in New York must complete an in-person interview to receive their carry permit.

By contrast, Utah applicants, as has been pointed out by the ranking member, can submit their application by mail and can complete the fingerprinting and firearm safety training requirements outside of the State. In comparison, Utah's driver's license application specifically requires, and rightly so, that applicants submit the application in person, that it be notarized, and that the employee initial the application upon submission. Utah also grants permits to nonresidents, potentially allowing individuals nationwide to apply for a permit by mail.

□ 1520

Supporters of H.R. 822 claim that concealed-carry permits should be treated like driver's licenses. My amendment, however, points out that this is yet another instance of my friends' hypocrisy. First-time drivers applying for licenses in Utah and Florida must appear in person and pass a written and road test.

While Utah and Florida are free to make the decision that they will not require in-person appearances for concealed carry permit applicants, it should not be the job of Congress to impose this decision on other states.

Mr. Chair, H.R. 822 is a dangerous bill, and quite frankly will do nothing to create a single job across the nation.

Americans are hurting, they want jobs, and to be able to provide for their families.

I urge my colleagues to support my amendment, which will help to close a dangerous loophole created by H.R. 822.

I yield back the balance of my time.

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

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

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

This amendment would effectively gut the bill, though the intent is actually somewhat unclear.

As written, the amendment allows a visitor to carry a handgun under the provisions of the bill only in States that require applications to be completed and submitted in person; however, few States have such a requirement for nonresidents.

This amendment would create unnecessary confusion. For example, Florida accepts applications by mail, but the State of Washington does not. If this amendment were adopted, a Virginia resident who held a valid permit could carry a handgun in Washington, which requires everyone to apply in person, but not in Florida, which has no concerns about issuing permits by mail.

It is possible that the amendment was intended to allow interstate carry under the bill's provisions only for holders of permits that were issued in person. The problem is that isn't how the amendment is drafted. If it were, it would still effectively gut the bill because so few States require in-person application.

The fact is that any application or fingerprinting requirements for a resident or a nonresident to obtain a concealed-carry permit are in addition to all the other requirements, including a national instant-background check that the applicant must go through first to legally purchase the gun.

Despite what some opponents of H.R. 822 would have you believe, not everyone who owns a gun is a criminal. And, in fact, there is overwhelming evidence to show that concealed-carry laws have resulted in lower crime rates in most States. Typically, most criminals don't bother with legally purchasing a gun and then making sure they have a valid permit before they carry it concealed; they just do it. That's why we call them criminals.

I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112–283.

Ms. JACKSON LEE of Texas. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 1, insert ''(A)'' after ''(1)''.

Page 6, line 4, strike ''(2)'' and insert ''(B)''.

Page 6, line 5, strike the period and insert ''; and''.

''(2) maintains a complete database of all permits and licenses issued by the State for the carrying of a concealed handgun, and makes that database available to law enforcement officers from all States 24 hours a day.''.

Page 6, after line 5, insert the following:

The Acting CHAIR. Pursuant to House Resolution 463, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I am hoping that there will be no Member that will oppose a commonsense amendment that allows our law enforcement officers to be more protected.

One might think, as I point to this picture of a nurse giving a young man an immunization shot and the young man squinting, that I would be more in tune with this legislation to have a law enforcement officer or a policeman dressed in their uniform.

I put a child here because I wanted to emphasize the fact that, can we have any disagreement that if we put our law enforcement officers in jeopardy, many of them leave behind families. Or I might use as an example this young child is squinting in pain from immunization. That won't harm them, but a person recklessly having stolen maybe someone's gun that comes with the national concealed law, the right-to-carry law, may not have a squinting child but, rather, a dead child.

Let me give you an example of the legislation or the amendment that I have in real time. A North Harris police officer in 2008 had a traffic stop. Before he went to this individual that he was stopping, he dutifully went to a dispatcher, a database to find out who this might be. Tragically, it was not soon enough because a gun was taken and he was shot dead. He leaves behind a wife and two children, albeit the fact that I have a child here, because I'm simply trying to create a simple amendment to this bill that will protect our law enforcement.

What does my amendment do? It ensures that a comprehensive database is created to provide a listing of individuals from each State who possess permits and licenses to carry concealed weapons. This amendment would also require that the concealed-weapons database be available to law enforcement officers in all States 24 hours a day. Thank goodness, because of Federal funding, many of our law enforcement officers have their laptops, many of them even their iPads, and so this database is a simple process.

It is interesting or it should be known that 36 States are especially adversely impacted by this bill because 36 States do not grant any reciprocity. Twenty-seven States recognize concealed-carry permits from only select States. So a 24-hour database, I believe,

would do what Republicans and Democrats say they want to do: protect law enforcement officers.

Failing to implement a national system that would allow law enforcement officials to check the status of individuals who are legally allowed to carry a concealed gun will result in a routine situation, such as a traffic stop, becoming a life-threatening situation. If an officer discovered a gun during a routine traffic stop, the officer might quickly and accurately determine this guy is legal as to whether the driver or lady possesses a valid out-of-state permit.

Oh, yes, we can offer reciprocity, but does the officer on the street walk around and look at the car that's coming across the border of their State and a sign says, We have reciprocity, I am from such and such, I'm okay. It is nearly an impossible task for the officer to verify the validity of 48 different carry permits—are we going to have a national carry permit—in the middle of what could be a tense situation.

Even if that person is legally carrying it based upon the permit from another State, according to the majority's report on this bill, only 18 States maintain an electronic database of concealed-carry permits that are immediately accessible to other law enforcement agencies. Seven States cannot provide any real-time access to this basic information to out-of-state agencies, and two States do not even maintain a database for their own purposes. This amendment gives our local law enforcement a plausible chance to verify whether out-of-state concealed-carry permits are legitimate.

Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman has 1 minute remaining.

Ms. JACKSON LEE of Texas. I yield to my ranking member on this amendment.

Mr. CONYERS. I thank the gentlelady for yielding. And I am in full support of the logical and rational approach that she is taking in supporting a database.

I plead with my colleagues to join us in a bipartisan sense to support an amendment that would create a comprehensive mechanism so that all permits and licenses for carrying concealed weapons would be available on a 24-hour-a-day basis. I congratulate the gentlelady on her amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman for his kindness.

Who can oppose such a simple amendment, particularly when it is noted that some States do not have this electronic database?

The officer who went to his dispatcher, who was doing the right thing, he lost his life. He left behind children. Do we want squinting children getting an immunization shot or getting shot?

I ask my colleagues to support this amendment.

Mr. Speaker, I rise today in support of my amendment #4 to H.R. 822, the "National Right-to-Carry Reciprocity Act of 2011." My amendment ensures that a comprehensive database is created to provide a listing of individuals from each State who possess permits and licenses to carry concealed weapons. This amendment would also require that the concealed weapons database be available to law enforcement officers in all States 24-hours a day.

Failing to implement a national system that would allow law enforcement officials to check the status of individuals who are legally allowed to carry a concealed gun could result in a routine situation, such as a like traffic stops, becoming life-threatening situation.

If an officer discovered a gun during a routine traffic stop, the officer must quickly and accurately determine whether the driver possesses a valid out-of-state permit. It is a nearly impossible task for the officer to verify the validity of 48 different carry permits, in the middle what could be a tense or dangerous situation.

According to the Majority's report on this bill, only 12 states maintain an electronic database of concealed carry permits that are immediately accessible to other law enforcement agencies. 7 states cannot provide any real time access to this basic information to out-of-state agencies, and 2 states do not even maintain a database for their own purposes.

This amendment gives state and local law enforcement a plausible chance to verify whether out-of-state concealed carry permits are legitimate

Consider for a moment, a police officer in Houston, Texas has just pulled someone over for speeding. The driver, who is a resident of Missouri, gives the officer a concealed carry permit from Utah, which is a state that grants concealed carry permits to nonresidents. Under our current system it is impossible for the officer in Houston to instantly confirm whether or not the driver from Missouri has a valid right to carry a concealed weapon.

State and local law enforcement should always be aware of who is carrying loaded, hidden guns in their communities. A local sheriff or police chief would benefit from knowing how many people carrying a concealed weapon have entered their jurisdiction from out-of-state, and who those people are.

My amendment would give the officer the ability to garner this information from a comprehensive database; this would allow the officer to have an advantage when approaching a vehicle with a potentially armed driver.

As it stands officers would have to distinguish between real and fake carry permits issued not only by their own state, but by every state. And in many cases, officers would have to determine whether a person is entitled to carry a gun, which would depend on their state of residence and is nearly impossible to verify quickly.

The comprehensive database provides the officer with an information safety net, although my amendment will not address the significant flaws in this legislation; this is an attempt to ensure that law enforcement officers have an additional tool at their disposal.

In addition, state authorities would also have information on whether or not the individuals applying for licenses in their state have ever had a license revoke in a different state.

Under this bill, local law enforcement will have a difficult time verifying out-of-state permits in real time. Pass this amendment to give our local law enforcement officials a fighting chance.

A comprehensive database would save lives, as state officials could use this database to determine whether they would be issuing a permit to an individual, who may have had their permit revoked in another state.

THE STORY OF MARQUS

In 2005, a man named Marqus had his concealed carry permit revoked by Philadelphia Police after he had been charged with attempted murder. During the revocation hearing, he attacked an officer.

After this incident Marqus was able to attain a new permit from Florida despite his record of violence. He then used his Florida permit to carry a loaded gun in Philadelphia.

Marqus who under Philadelphia law regained his right to carry a concealed weapon in Philadelphia only because of a reciprocity agreement with the state of Florida, would eventually, use this right to carrying a concealed weapon to shoot a teenager in the chest thirteen times killing him in the streets of Philadelphia. Philadelphia did its job, they revoked a license of a violent individual.

Florida if they had access to the type of database I am proposing today may have reconsidered issuing a license to Marqus. However, if Florida continued to issue licenses to individuals that a state, such as Texas, did not agree believe have licenses. Under the current law the State of Texas would be able to revoke their reciprocity agreement. H.R. 822 takes away the States ability to determine how to best protect their citizens from those who they have determined should not be allowed to carry concealed weapons.

Currently, each state has its own eligibility standards. Those criteria include determining the following: At least 38 states, including Texas, prevent people from carrying concealed weapons if they have certain dangerous misdemeanor criminal convictions beyond domestic violence misdemeanors, which prohibit gun possession under federal law.

Over 50 percent of states, including Texas, require those seeking permits to complete a safety training program, many of these programs include live fire training, or other proof of competency prior to the issuance of a carry permit. As well as, and age restriction such as prohibiting anyone

Although it is often argued that guns do not kill people, people kill people. Well, it can also be said we should not make it any easier to put a powerful and lethal weapon in the hands of those who have histories of violence and abuse.

Every sheriff and police officer in the country would have to honor concealed carry permits from all 50 states but first they would need to be able to verify the validity of each state's different type of permit. Knowing local laws and recognizing when someone is breaking them already keeps our law enforcement busy. But H.R. 822, as written, would not give police a way to ensure out-of-state permits were valid or up to date.

Some state permits look as simple as a library card, and would be just as easy to forge. A national database would result in a uniform approach on who has a valid permit to carry a concealed weapon. The fact that each state has its own requirements is indicative of how complex this issue really is and with one measure Congress would eliminate the right of States to set their own public safety laws. If

this measure passes every state will be compelled to honor every other State's permit to carry concealed and loaded guns, regardless of how different each state's standards or criteria to secure a permit may be.

States should have the right to know whether the individuals carrying concealed weapons have valid permits or licenses to carry or possess concealed weapons. This measure would require that one central database be created, which encompasses the information of each person from each state who has a current, valid permit or license to carry or possess a concealed handgun—and requires that this comprehensive database be accessible to law enforcement in any state 24 hours a day.

I believe that an amendment creating a comprehensive listing of licensed individuals from each State, in one main location that is accessible at any time of day is a necessary tool that will protect the public and the safety of law enforcement officers.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

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

This amendment seeks to require States to maintain a database of all concealed-carry permits that would be accessible to law enforcement officers 24 hours a day. This amendment, aside from being a version of NCIC for law-abiding citizens, is unnecessary for a number of reasons.

The State-issuing authority already maintains a database of concealed-carry permits, and a number of States make these databases accessible to law enforcement through the Nlets System, which law enforcement in all 50 States can use to determine whether someone visiting from another State is carrying a valid concealed permit. This system is available to law enforcement officers 24 hours a day, 7 days a week.

Law enforcement officers can also contact other States to determine whether a person has a criminal background, a warrant out for their arrest, or other information that will help determine whether someone poses a safety threat to themselves or the general public.

□ 1530

But the fundamental flaw of this amendment is that it continues to place conditions and restraints on law-abiding citizens all the while ignoring the obvious, which is that people intent on doing harm do not register their firearms nor call ahead to report their travel schedule.

No database has yet been created which can determine whether a person with a firearm intends to use it in a criminal matter, whether the firearm is carried illegally or not, so officers are trained to be careful in every situation and have the authority to take necessary precautions to ensure the safety of those on the scene of an investigative stop.

This amendment, as is true with many other amendments that we have and will consider today, is premised on the flawed view that concealed-carry permit holders pose a threat to public safety. People intent on committing illegal acts will not go to the trouble of obtaining a concealed-carry permit, and statistics back that up.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

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

The Chair understands that amendment No. 5 will not be offered.

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112–283.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 14, after the period insert the following: ''Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State shall be subject to any law of the State that limits the eligibility to possess or carry a concealed handgun to persons who have received firearm safety training that includes a live-fire exercise.''.

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of my amendment to this dangerous bill, the National Right-to-Carry Reciprocity Act.

My amendment is about protecting a State's right to decide who may carry a concealed, loaded handgun within its borders. It would require the possession of or carrying of a concealed handgun in a State be subject to that State's law regarding firearm safety training, including live-fire exercise.

Currently, at least 34 States require applicants to complete a firearm safety training course or present proof of equivalent experience in order to obtain a concealed-carry permit; 19 States require live-fire instruction to obtain a carry permit. However, some States only require minimal training such as an Internet-only instruction. Even worse, however, are the States that do not require any firearm training to obtain a concealed-carry permit.

This bill would override State laws and require States to allow out-of-State residents to carry loaded, concealed weapons in public, even if they have not met basic licensing or training requirements mandated for carrying in that State. This does not make any sense.

By federally mandating recognition of all out-of-State concealed handgun permits, H.R. 822 would allow individuals who do not meet a State's live-fire firearm training standards to carry concealed weapons within their borders and prohibit States from ever restricting carrying by those individuals.

According to the Violence Policy Center, since May 2007, at least 385 people, including law enforcement officers, have been killed by individuals with concealed-carry permits. None of these incidents involved self-defense. Some of these incidents included mass shootings—the most recent occurring in July at a child's birthday party at a Texas roller rink—claiming the lives of 89 innocent victims. This illustrates why States should have the right to determine who is eligible to carry firearms within their borders. They know what is best for their communities.

This bill is all about the National Rifle Association and its needs, not about the American people and putting them back to work. Congress should not put its stamp of approval on this dangerous and misguided legislation.

States that require a person to demonstrate that they know how to use a firearm or meet minimum training standards before obtaining a concealed-carry permit should not be forced to allow out-of-State visitors to carry concealed weapons if they do not meet that State's concealed licensing requirements, especially if a State requires that individuals undergo live-fire training to ensure they know how to properly operate a firearm. This is common sense.

This is a commonsense amendment, and it will keep Americans safe. It simply would require the possession or carrying of a concealed handgun in a State be subject to that State's law regarding firearm safety training, including live-fire exercises.

I urge my colleagues to support this amendment and oppose the underlying bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

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

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

This amendment allows States to prohibit nonresidents from carrying a concealed firearm if they did not take part in a firearm safety class that included a live-fire exercise as part of the permitting process. This amendment would, for the first time ever, insert the Federal Government into the State's concealed-carry permitting process. H.R. 822, by contrast, protects

each State's ability to set its own eligibility requirements for concealed-carry permits.

Thirty-seven States require some degree of firearms training. The gentleman from Georgia's home State, interestingly, does not require any training and, thus, under this amendment, its citizens would not be able to enjoy the Federal grant of reciprocity provided by H.R. 822.

The States carry out their training requirements in a number of ways. Some States allow applicants to certify their proficiency through classroom training, while other States recognize prior military or police service to meet these requirements. Virginia, for example, provides eight different ways to meet the training requirements.

This amendment is silent on a number of important issues. Is prior military or law enforcement service sufficient to meet the live-fire requirement? Does an applicant need to go through this training each time they renew their permit or is it sufficient to have completed a course the first time they applied? These ambiguities give us more reason to oppose this amendment.

We know that concealed-carry laws do reduce crime. A study by John Lott and David Mustard found that when concealed-carry laws went into effect, murders fell by over 7 percent and rapes and aggravated assaults fell by 5 and 7 percent, respectively. These findings have been confirmed by 18 other studies, but none have found that concealed carry increases crime.

The benefit of concealed-carry laws should not be measured only by the instances of self-defense, but also by the number of crimes that are prevented from occurring in the first place.

I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

The Acting CHAIR. The gentleman from Georgia has 1 minute remaining.

Mr. JOHNSON of Georgia. Thank you, Mr. Chairman.

I agree wholeheartedly with my colleague from Texas, Chairman SMITH. This legislation does, in fact, insert the Federal Government into State licensing of firearms, and it does it in a big way. It actually eviscerates the States' ability to regulate how or the qualifications for applicants to be able to receive a concealed-carry permit.

As I stated earlier, 34 States require applicants to complete a firearms safety training course; unfortunately, Georgia does not. But that does not mean that that is right or proper. I believe that other States can certainly have a more conscientious approach to gun licensing, and certainly States have had a right to do that, and I want to preserve that right.

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

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. SMITH of Texas. Mr. Chairman, I am glad that the gentleman from Georgia agrees with me that this amendment does insert the Federal Government into the States' concealed-carry permitting process. I would simply say that that admission and the fact that that is the case is enough reason to oppose this amendment.

I yield back the balance of my time.

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

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

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

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

□ 1540

AMENDMENT NO. 7 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112–283.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 14, after the period insert the following: ''Notwithstanding the preceding sentence, the possession or carrying of a concealed handgun in a State under this section shall be subject to any State law limiting the eligibility to possess or carry a concealed handgun to individuals who have attained 21 years of age.''.

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

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

Before I came to Congress, I was a member of the Tennessee Senate for probably an inordinate amount of years before I graduated to this august body. It took me 24 years to matriculate. But during those 24 years, I worked on much important legislation to help the people of Tennessee.

One of the things I helped the people in Tennessee with is I wrote the Right to Carry bill in Tennessee. The fact is this was a difficult bill to pass; it was a difficult bill to craft. There were people with different opinions of what should be in the bill, and we debated it. We went back and forth on what should be in it. We took votes and certain things passed and certain failed, and we came up with a bill we thought was a good bill.

I always felt that people who could take a gun and have enough vision and calmness of hand and hit a target at some pace, not have a criminal record, and pass a written test of limited challenge, should have a right to carry a gun. In fact in Tennessee, very few people with the right to carry a gun have committed crimes and used their guns improperly.

But the fact is we worked on this law and we had certain restrictions, and one of the restrictions is you had to be 21 years of age, the same age that you have to be to buy a beer or to drink. And 36 other States came to that same decision that you should be 21 before you can get a permit to carry a gun.

Eight States have differed: Alabama, Delaware, Indiana, Iowa, Maine, Montana, New Hampshire, and South Dakota. So you've got a southern State in there, you've got an eastern State, a couple of Big Tens, a couple out in the Big Sky world, and some in the east. And they decided you only had to be 18, those eight States.

This bill, if passed, would tell the citizens in those 37 States and the legislators in those 37 States that argued and determined that 21 was the right age that it would be the right age in your State for the people who are residents of your State, but if somebody from one of those other eight States came into your State and was less than 21, they could carry a gun when your citizens couldn't. Because their State decided 18 was sufficient, your laws made no difference; and you'd have teenagers carrying guns in States that had determined that it was not the appropriate age.

Twenty-one is the right age to drink, and I'm not submitting that it should be less at this time, but the fact is the brain doesn't really develop to a certain extent until you're out of your teens; and that is why much of the crime and the violent crime is committed by people 18 to 20. They are only 5 percent of the population, but 20 percent of the homicides in violent crime are committed by people from 18 to 20. And if you pass this bill, you'll have people 18 to 20 going into States and having a right to carry a gun when the citizens of that State won't have it. That makes no sense.

In 2007, the most recent year in which we have data, there were 13,000 people who lost their lives in this country to accidents involving alcohol; but there were 31,000 people, over twice as many, who lost their lives because of gunfire.

It doesn't make sense that we would not only trample on the laws of the different States but also the work of the legislators such as me who worked hard within the legislative bodies, within the give-and-take of Senate and House and conference committees to come up with what we thought was the policy of our State to have that overridden by the folks here in this United States House of Representatives, the Senate would be concurring, to pass a bill to say your laws make no difference, and 18- and 19- and 20-year-olds from Alabama and South Dakota and Maine and New Hampshire are going to be able to come in your State and carry a gun when your citizens won't be able.

It should be up to each of the States to decide that, and what we're getting to is the lowest common denominator, which isn't right.

So the fact is these laws should be left up to the States. The States right now can have reciprocity agreements. Tennessee didn't have one when we passed our bill in 1996, but in 2003 they got one. But the State of Tennessee decided on its reciprocity, not the United States Congress. And States have reciprocity agreements, and they're all going to be overridden. Some are more liberal than others—Tennessee is the most liberal—but other States have got restrictions. They're all going to be set aside because of this.

I would hope that the Members who come from the 37 States that require your citizens to be 21 would not allow people under 21 to come into your State and have teenagers who are most likely to commit crimes with guns to come into your State with a concealed-carry permit.

Mr. CONYERS. Will the gentleman yield?

Mr. COHEN. I yield to the distinguished gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Your experience in your State legislature and your legal experience really have impressed me that your amendment, and we haven't talked about this today on H.R. 822, is extremely important. I hope my colleagues will join with you.

Mr. COHEN. I thank the gentleman.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

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

This amendment prohibits persons who are legally permitted to carry a concealed weapon between the age of 18 and 21 from taking advantage of H.R. 822's grant of reciprocity. We continue to believe, Mr. Chairman, that adults who reach the age of 18—which is the age of majority for well nigh everything in this country, save alcohol—are capable of being responsible just as 19-year-olds and 20-year-olds are. They can vote. More importantly, they can serve in the military where they are highly trained to handle firearms in very critical situations.

Fewer than 10 States allow people under 21 to receive a concealed-carry permit. One State allows this if a weapon is necessary for the person's job, such as law enforcement, and another if a person gets permission from law enforcement.

This amendment eliminates the current practice of many States, including the amendment sponsor's home State of Tennessee, recognizing concealed-carry permits of nonresidents between the ages of 18 and 21, even though their own residents must be 21 to conceal carry.

In fact, 14 States recognize all valid permits issued by any States, including those States that permit persons between the ages of 18 and 21. As many as 10 additional States recognize 18-year-old permit holders from other States with which they have reciprocity.

Mr. Chairman, America trusts our brave men and women under the age of 21 to volunteer for duty and to defend our country. What this amendment says, however, is you can carry a gun and defend this country overseas, but you can't carry a gun and defend yourself once you get back. This is not consistent with the Second Amendment, nor is it reflective of our views with respect to what 18-year-olds can and should be permitted to do. What is good enough to defend the foundations of this Republic and us, I hasten to add, should be sufficient to defend oneself.

Mr. COHEN. Will the gentleman yield?

Mr. GOWDY. I yield to the gentleman from Tennessee.

Mr. COHEN. I thank the gentleman for yielding.

Based on your argument, you would think that the state that the laws of the 37 States have that limit gun permits to people that are 21 should be abolished. Why does your legislation not go further and trample on the States' rights and say that you can only have a limitation of age 18 and say that you cannot have a limitation of age 21?

Mr. GOWDY. The only thing that this debate today has given me cause for celebration for is I now know my colleagues on the other side of the aisle are familiar with the concept of States' rights because I have not heard them talk about it for the first 11 months.

Do you suppose Tennessee should have a different version of the First Amendment or the Fourth Amendment or the Fifth Amendment or the Eighth Amendment? So why are we treating the Second Amendment like it is in the constitutional trash heap?

Mr. COHEN. No. What I'm saying to you, sir, is your belief is obviously that the Second Amendment is an individual right so that the States that have laws that say you have to be 21, those laws should be abolished and we should limit it to 18.

For the record, I have talked about States' rights on medical tort liability, and I've talked about States' rights on medical marijuana.

Mr. GOWDY. Reclaiming my time, the gentleman from Tennessee is right. He has from time to time mentioned States' rights, which puts him in a very lonely position on his side of the aisle.

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

□ 1550

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

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

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

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

AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112–283.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 21, strike the close quotation marks and the following period.

Page 6, after line 21, insert the following:

''(d) A person may not, under this section, carry or possess a concealed handgun in a State, unless the person provided at least 24 hours notice to the designated law enforcement agency of the State of the intention of the person to carry or possess a concealed handgun in the State.''.

The Acting CHAIR. Pursuant to House Resolution 463, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank you for your courtesies, and I am delighted to have seen my good friend engage in a dialogue and a colloquy with my friend from Tennessee. Maybe I might even get the same courtesies because this is a very important issue that also deals with constitutional questions.

I am back with my young man who is getting his immunization shot, with a nurse looking over him, because I want people to know that this is about family, that it's about the fact as to whether or not we make a statement on behalf of protecting law enforcement, of protecting our families, and not fall upon the spear of the Second Amendment and the National Rifle Association.

To my ranking member and dear friend, even the supercommittee is not without ghosts riding through. I understand they had a deal, and then Mr. Norquist comes riding through. Whenever we want to talk about getting together on guns and the Second Amendment, the NRA comes riding through. So we've got the NRA, and we've got Mr. Norquist, and we can't ever get any bipartisanship because the ghosts keep riding through.

My amendment is a very simple one, and it speaks, again, to protecting the lives of our officers, and what it says is having the State have a designated entity, a designated agency, that requires an individual coming into another State with a concealed-carry permit to provide at least 24 hours advance notice to law enforcement agencies of

their intention to carry or possess a concealed handgun in another State. States must retain their ability to know which individuals are allowed under this newly proposed bill to possess and carry a concealed weapon.

Now, my friend did not engage with me in a dialogue, the gentleman, I believe, from South Carolina.

But just imagine a trooper with a traffic stop on, say, for example, I–45 in the State of Texas—it could be I–95 in Maryland—at 3 a.m. The car has a Colorado license plate, and the driver supplies a Colorado driver's license. The State trooper goes back to his car, and he can instantly validate this person is from Colorado with respect to the license plate and the license. Upon returning to the car, the trooper notices that the driver has a concealed weapon on his hip. The driver hands over his Colorado concealed-carry permit. The trooper has no ability to determine the validity of that permit. Therefore, if that person had been required to notify a State agency in Texas or in Maryland, that information might be readily accessible.

I heard a comment about the NLET process. You can go to the NLET. Only 12 States have allowed electronic access to their concealed-carry databases known as NLET. It does not respond, in essence, to the other 38 States.

My friends, we are recklessly passing a bill that we think is sorely needed. It does not in any way have anything to do with jobs. It doesn't have anything to do with protecting innocent children. It has nothing to do with making sure our law enforcement is safe. I am simply adding an amendment that would make it better. When you're coming into our State, let's let our law enforcement know, and let's provide safety to the American people.

I reserve the balance of my time.

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

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

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

This amendment is based on the premise that any person who possesses a gun, including an American who legally purchases a gun and obtains a concealed-carry permit, is a criminal and must seek permission to exercise his or her constitutional rights. It would be nice, indeed, if we could get those who harbor criminal intentions to call ahead of time and inform local law enforcement of their plans. It would, in fact, be ideal if they would let us know which store they were going to rob, which home they were going to invade, which car they intended to steal.

That typically doesn't happen, Mr. Chairman, and to require law-abiding citizens to call ahead is mind-boggling.

Do we have to call ahead when we plan to assert our First Amendment rights? Do we have to call ahead and inform States we're traveling through of our intention to rely upon our Fourth Amendment rights? What about Miranda? Do we call ahead and reserve our Miranda reservations? Do we need to tell them which road we'll be traveling on, Mr. Chairman—and who do they call and what do they tell them when they call? Do they describe the gun? Do they tell them what caliber?

What is law enforcement supposed to do with this information? Does anyone really think criminals ever call ahead and announce their intentions? What happens if a person fails to provide notice, Mr. Chairman? What is the designated law enforcement agency expected to do with this information—maintain a database of all entering nonresidents and track the person's movements inside the State?

Should a nonresident with a concealed-carry permit engage in criminal activity within the State, is the State then liable for not preventing it?

Would a person who lives in Maryland but works in Virginia be required to call every day, Mr. Chairman?

What if it's an emergency trip—the birth of a grandchild? A sickness in the family? Do we just postpone our trip so we can meet the requirements of this amendment or do we sacrifice our right to travel in self-defense because we didn't call quickly enough?

This is a practical nightmare. It's a constitutional abomination. I urge my colleagues to oppose it.

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

The Acting CHAIR. The gentlewoman from Texas has 1½ minutes remaining.

Ms. JACKSON LEE of Texas. I'm so glad my dear friend rose to speak to the new phenomenon of apples and oranges.

My friends, I am not coddling criminals. We know this is a distinctive bill that is not addressing the question of criminals who come to do us harm. What we are suggesting is that guns kill, and we are suggesting that people use guns to kill.

On that lonely, dark road at 3 a.m., when that trooper identifies your driver's license but can't identify whether or not you have a legitimate concealed-weapon permit to carry, then we are asking for you to have help. We're asking for there to be 24-hour notification. I am sure there will be the possibility of waivers, but don't tell me that a law enforcement entity, once known that they can go to the documentation that has the notification that someone is coming in from another State with a concealed weapon, will not find it useful. In fact, it will help this law enforcement officer tell this individual carrying legally, On your way, sir; On your way, ma'am. Thank you. Or, in essence, we might catch someone who has a concealed weapon and a permit from another State, but that person is rushing across the State to get away from a wife or a husband and has been in a violent domestic abuse or a domestic violence altercation.

So let me just say, for all of the laughers, guns kill, and it is a shame that we allow the ghost of the NRA to ride into this place and just smack down common sense. Save the lives of children because guns kill. Save the lives of law enforcement officers who leave behind children, because guns kill. Don't fool around with the NLET process, which doesn't even work. Let's notify. I ask for the support of my amendment.

Mr. Chair, I rise today in support of my amendment No. 8 to H.R. 822, the "National Right-to-Carry Reciprocity Act of 2011." My amendment ensures that any person seeking to possess a concealed weapon in a state other than the state that issued the concealed carry permit must provide at least 24 hours advance notice to law enforcement agencies of their intention to carry or possess a concealed handgun in another State.

States must retain their ability to know which individuals are allowed, under this newly proposed bill, to possess and carry concealed weapons within their borders. This measure would require an individual to notify out of state law enforcement, 24 hours in advance, of their intention to possess or carry a concealed weapon into the borders of a State in which those individuals are not licensed.

In its current form, the bill will have a difficult time verifying out of state permits in real time, endangering their lives, and the lives of the public. State and local law enforcement must always be aware of who is carrying loaded, hidden guns. This information will give law enforcement a fighting chance as they protect their communities.

I believe that an amendment requiring prompt and adequate notification to law enforcement officials regarding an out of state individual's intention to carry a concealed weapon is necessary to protect the safety of the public and to protect the safety of the men and women who protect the public.

According to the Majority's report on this bill, only 12 states maintain electronic databases of concealed carry permits that are immediately accessible to other law enforcement agencies. 7 states cannot provide any real time access to this basic information, and 2 states do not even maintain databases.

Currently, there are several states that have implemented time requirements to ensure the safety of their citizens when dealing with a variety of weapons. This amendment will create a standard that is sure to provide law enforcement with the information desperately needed to keep the public safe from unknown harms.

This is a fundamental states rights issue. The measure before us today takes away a state's right to set their own criteria for determining who should be allowed to carry a fire arm within their borders.

Texas has robust handgun concealed carry laws and these laws would only undermine the criteria established by my home state. This measure would bolster the protections that Texas and many other states seek to implement to protect their citizens from gun violence. Texas standard to attain a permit is currently higher than current federal law and the requirements of a number of other states.

As it stands Texas already honors the permits of 39 other states; which only emphasizes that this can be address at the state level. One of my main concerns is that the lives and safety of men and women working in the line of duty will be compromised if we fail

to effectuate this amendment requiring a 24-hour advance notice of out of state individuals carrying concealed weapons.

Law enforcement officers put their lives on the line for us every day. Since 2009 least 122 law enforcement officers have been shot and killed, with an average of one officer killed by gunfire each week. Since the beginning of 2011, guns have killed at least 30 law enforcement officers. It is important that the very men and women who put their lives on the line are the very men and women who have instant access to information on whether on not the individual they are approaching during a routine traffic stop is armed.

In 2009, Houston Police Officer Timothy Abernathy was shot and killed during a routine traffic stop. An 11 year Veteran of the Houston Police Department, Officer Abernathy stopped a vehicle for a minor traffic violation. This should have been routine, but the suspect shot Officer Abernathy in the head, killing him. Officer Abernathy was 43 years old.

Gun violence is dangerous to all Americans. In 2010, approximately 8,775 people were killed by firearms. 6,000 of those deaths were caused by handguns. In 2010, 152 of those killed by guns were law enforcement officers. Each year, there are approximately 16,000 assaults on police officers, and many of those attacks utilize firearms.

The facts are quite simple. If we are going to ask state and local law enforcement officials to put their lives on the line every day for the safety of our communities, we owe it to them to know who is carrying a loaded and concealed weapon. Establishing a database of individuals with concealed carry permits could save a life.

I urge my colleagues to support my amendment to H.R. 822 in order to ensure that we act fervently to protect the lives of those who risk their lives for the general public on a daily basis. Again, this amendment will strengthen a State's ability to continue its efforts to protect the safety of its citizens and law enforcement officials.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 9 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112–283.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 21, strike the close quotation marks and the following period.

Page 6, after line 21, insert the following:

''(d) Subsection (a) shall not apply with respect to the possession or carrying of a concealed handgun in a State on the basis of a license or permit issued in another State, unless the Attorney General of the State, the head of the State police, and the Secretary of State of the State have jointly issued a certification that the laws of both States which provide for the issuance of such a license or permit are substantially similar.''.

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

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

As a founding member of the bipartisan Mayors Against Illegal Guns, co-chaired by Mayor Menino of Boston and Mayor Bloomberg of New York, I rise today in strong opposition to the National Right-to-Carry Reciprocity Act.

This dangerous legislation threatens public safety by undermining the ability of States and localities to reduce gun violence by limiting the carrying of loaded concealed weapons within their borders.

This bill has nothing to do with honoring the Second Amendment. It, instead, completely dishonors the rights of local communities and State governments to make decisions to protect the well-being and safety of their citizens. This bill prevents States from responding to the unique needs of their communities as they determine the eligibility criteria for carrying a loaded concealed weapon. It instead forces them to accept standards set in other States.

□ 1600

As a result, this bill strips away reasonable limitations properly enacted by States and imposes upon every State, except Illinois, the least restrictive standard in the country for carrying a concealed loaded gun. The implications of this bill are drastic and a radical departure from well-settled practice and law that assigns primary responsibility for public safety to States and localities.

In Rhode Island and in many States like it, this bill would decimate the strong concealed-carry framework developed by duly elected officials within the State. These officials enacted requirements that they believe most effectively prevent dangerous individuals from carrying a concealed firearm within their borders.

Rhode Island does not have any reciprocity agreements recognizing any other State permits; and our heightened standards require applicants to be at least 21 years old, of good character, not an abuser of alcohol, to complete a firearm safety training course that includes a live-fire examination, and to show good cause for needing a concealed-carry permit. To further provide for our unique public safety needs, Rhode Island also grants broad discretion to local law enforcement officials in the process of approving or denying a concealed-carry permit. As a result, Rhode Island ranks among the States with the lowest gun death rates, less than half the national average.

Under this bill, Rhode Island would be forced to recognize concealed-carry permits from all States, regardless of how lax the other States' standards. This would leave my fellow Rhode Islanders subject to the whims of the other States' concealed-carry permits and actually prioritize the rights of out-of-State concealed-carry permit holders over the rights of Rhode Islanders within our own borders. For example, while Rhode Island requires safety training that includes a live-fire exam in order to acquire a concealed-carry permit, there are 10 States that have no training requirements whatsoever. While Rhode Island prevents alcohol abusers from obtaining these permits, only 28 States have such a standard in place.

The commonsense provisions of Rhode Island State law and the laws of similarly situated States prevent dangerous individuals from carrying loaded concealed weapons. Such protections would be completely undermined by this law. This bill is a clear and undeniable threat to public safety and will facilitate a new path that allows more and potentially dangerous individuals to carry concealed loaded guns within our borders and against our will. This must not be allowed.

Because this bill presents such an indisputable threat to public safety in many States, I have introduced this amendment which would require that, at the very least, prior to granting reciprocity in a State, the attorney general, the head of a State police, and the secretary of State jointly certify that the laws of a nonresident permit holder State are substantially similar to its own. This would provide States an opportunity to preserve adherence to their core requirements that restrict concealed-carry weapons but not allow them to deny permits from States that match their standards. It would, at a minimum, ensure that we respect the decisions and judgments made by local and State governments on this key public safety issue.

The certification process will not be burdensome to States. In fact, some States, including South Dakota and Nebraska, already incorporate this type of process in determining eligibility for engaging in reciprocity agreements with other States.

I urge my colleagues to support my amendment and protect the citizens of this country from the imposition of dangerously lax standards for the carrying of concealed weapons in direct contradiction to the decision of local and State governments charged with protecting the lives and safety of their citizens.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

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

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

This is one of three amendments under consideration today that would allow the States to opt out of the nationwide concealed-carry system that H.R. 822 seeks to establish. This undermines the bill's goal of creating national uniformity in our concealed-carry laws.

This amendment provides that every State attorney general, head of police, and secretary of State must certify that the concealed-carry eligibility laws of every other State are substantially similar to their own before the State can participate in this legislation's grant of reciprocity. This is obviously intended to be overly burdensome both to those with concealed-carry permits and to the States themselves. It is also simply a way for State officials who do not support the Second Amendment right to bear arms to decide that their State will not recognize out-of-State concealed-carry permits.

The amendment also incorrectly assumes that there are critical differences between the States' eligibility requirements, which is simply not the case. Each State has a vested interest in making sure that those with a propensity towards violence are not granted a concealed-carry permit. Every State conducts a thorough background check so that unqualified individuals will not be able to carry a concealed firearm. The eligibility standards used by the States are more similar than not. The fact that there may be small differences among the States' eligibility laws should not allow a State to prohibit the exercise of Second Amendment rights within its boundaries.

Also, Federal and State laws governing the purchase of a firearm must be complied with before a person can even apply for a concealed-carry permit. In order to purchase a firearm or take advantage of the reciprocity extended by H.R. 822, a person convicted of a felony or a domestic violence misdemeanor cannot legally purchase a firearm under Federal law. A person must also be cleared through the Federal Bureau of Investigation's National Instant Criminal Background Check System, or NICS, before they can purchase a firearm.

Data from the FBI's annual Uniform Crime Report show that right-to-carry States, those that widely allow concealed-carry permits, have 22 percent lower total violent crime rates, 30 percent lower murder rates, 46 percent lower robbery rates, and 12 percent lower aggravated assault rates as compared to the rest of the country. This amendment allows the current patchwork of concealed-carry laws to continue and ignores the right to bear arms guaranteed by the Second Amendment.

For those reasons, I oppose this amendment, and I reserve the balance of my time.

The Acting CHAIR. The gentleman from Rhode Island has 30 seconds remaining.

Mr. CICILLINE. Just very quickly, the purpose is not, of course, to overly burden State governments but, instead, to respect the judgments and decisions they've made in weighing the equities and making determinations as to what is the right criteria, to give respect to the duly elected officials in States who have made those judgments. It happens in South Dakota. It happens in Nebraska. It's not unduly burdensome. It's really about respecting the people in State government and in local governments who have the responsibility to protect the public health, safety, and well-being of residents of States.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, if you respect and support the full right of individuals to enjoy the rights under the Second Amendment to the Constitution to bear arms, you will oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

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

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 10 OFFERED BY MR. REICHERT

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112–283.

Mr. REICHERT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. ___. GAO STUDY OF THE ABILITY OF STATE AND LOCAL LAW ENFORCEMENT TO VERIFY THE VALIDITY OF OUT-OF-STATE CONCEALED FIREARMS PERMITS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the ability of State and local law enforcement authorities to verify the validity of licenses or permits, issued by other States, to carry a concealed firearm.

(b) REPORT TO THE CONGRESS.—Within 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a written report which contains the results of the study required by subsection (a).

The Acting CHAIR. Pursuant to House Resolution 463, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

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

Today we are considering a national reciprocity law for firearms licenses and permits. I have always supported Second Amendment rights for people to carry and keep firearms.

I come at this from a little bit of a different perspective. I was a police officer for 33 years. I worked the streets for 6 years in a patrol car, SWAT commander, hostage negotiator. I have had guns pointed at me. I have looked down the barrel of a shotgun. I have looked down the barrel of a rifle. I have heard the shots fly by. I have been at the other end of the gun, too. Fortunately, I have not had to fire at anyone, but in protection of the people in my community, I have experienced being at both ends of a firearm.

So I understand and I get the concerns of cops, my brothers and sisters in law enforcement. What we want to make sure today is that those law enforcement officers across this country that protect us—and they're protecting us while we're in the Capitol today—are equipped and prepared to enforce this law.

I have a concern, so my amendment would require that the GAO look into whether or not law enforcement officers are able and have the ability to verify the validity of out-of-State concealed firearms permits and licenses. Within 1 year of enactment, the results of this study will be reported to the House Judiciary Committee and the Senate Judiciary Committee.

Our State and local law enforcement across this country every day put their lives on the line. They put the badge on. They put their uniforms on. They walk out into the street. They go out in their patrol cars and are putting their lives on the line. It's a risk and responsibility that they will gladly accept. They want to come home safely, of course, to their families, but they know the risks when they leave their home. They know the risks when they put on the badge. We owe it to them to ensure the underlying bill does not create any unintended consequences or additional safety concerns.

□ 1610

Right now it is unclear whether every cop in every jurisdiction across this Nation can efficiently determine the validity of concealed-firearms permits. Each State decides how best to store that information and have access to its own concealed-carry permit information, but maybe not that of other States.

Only 12 States right now are participating in a program that allows electronic access to a joint concealed-carry database. In the remaining 38 States, law enforcement officers are required to contact appropriate local officials over the phone or by email. This method is not timely enough and not effective. We must understand how long it takes for law enforcement officers to determine whether or not a State concealed-carry permit is legitimate or fraudulent. This is critical to both the

safety of the cops patrolling our neighborhoods and protecting the rights of law-abiding citizens.

This GAO study will help us better understand the impact of national reciprocity for concealed firearms on our Nation's law enforcement and their ability to effectively enforce the law. We must pass this amendment to ensure that our cops have the adequate tools to enforce this law.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I claim the time in opposition.

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

Mr. CONYERS. I merely wanted to ask our distinguished colleague from Washington if I understood correctly that the GAO would conduct a study about the ability of the State and local law enforcement to verify the validity of out-of-state concealment after this bill is passed?

I yield to the gentleman.

Mr. REICHERT. I thank the gentleman for yielding.

The question is whether or not this study is tied to the passage of the bill. No, the study is not tied to the passage of the bill. The study will begin upon passage of the bill, and the report must be filed before 1 year is up.

Mr. CONYERS. I see. Could I ask the gentleman why we wouldn't conduct the study in front of the bill rather than after the bill?

Mr. REICHERT. The way that this amendment is presented, it's presented allowing the study to go on as law enforcement encounters this new law and will then know what challenges they face as they look to enforce the law. We won't know all of those things until the law is in place.

Mr. CONYERS. Well, may I suggest that perhaps our responsibility as Federal legislators might be to determine the impact of this proposal on public safety before we pass it, not years later after we pass it.

Would the gentleman concede that that might be the more appropriate path that we normally take?

Mr. REICHERT. Yes, sir. That is what my amendment is intended to do, to gather that information so we can appropriately revise the current policies that may exist in police departments across the country and sheriff's offices across the country.

Mr. CONYERS. I thank the gentleman.

I yield back the balance of my time.

Mr. REICHERT. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. SMITH), the distinguished chairman of the Judiciary Committee.

The Acting CHAIR. The gentleman is recognized for 1 minute.

Mr. SMITH of Texas. Mr. Chairman, I want to thank the gentleman from Washington, a former sheriff himself, for yielding me time; and I appreciate his offering this amendment, which requests a study by the Government Accountability Office on the ability of State and local law enforcement agencies to verify the validity of nonresident concealed-carry permits.

The study requested by the gentleman's amendment will provide additional assurance that nonresident permit information can be verified by law enforcement officers across the country.

I urge my colleagues to support his amendment.

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

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112–283 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. WOODALL of Georgia.

Amendment No. 2 by Mrs. MCCARTHY of New York.

Amendment No. 3 by Mr. HASTINGS of Florida.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

Amendment No. 6 by Mr. JOHNSON of Georgia.

Amendment No. 7 by Mr. COHEN of Tennessee.

Amendment No. 8 by Ms. JACKSON LEE of Texas.

Amendment No. 9 by Mr. CICILLINE of Rhode Island.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. WOODALL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. WOODALL) 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 140, noes 283, not voting 10, as follows:

[Roll No. 843]

AYES—140

Ackerman
Akin
Amash
Andrews
Baca
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Broun (GA)
Butterfield
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gerlach
Gohmert
Gonzalez
Green, Al
Grijalva
Hahn
Hanabusa
Harris
Hastings (FL)
Hinchey
Hinojosa
Hirono
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
King (IA)
King (NY)
Kucinich
Langevin
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meehan
Miller (NC)
Miller, George
Moore
Moran
Nadler
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Smith (WA)
Stutzman
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walsh (IL)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woodall
Yarmuth

NOES—283

Adams
Aderholt
Alexander
Altmire
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hochul
Holden
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Luján
Lummis
Mack
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson

Owens
Palazzo
Paulsen
Pearce
Pence
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Roybal-Allard
Royce
Runyan
Rush
Ryan (OH)
Ryan (WI)
Sarbanes
Scalise
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuler
Shuster
Simpson
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Speier
Stark
Stearns
Stivers
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walz (MN)
Waters
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Bishop (UT)
Burgess
Gardner
Giffords
Kaptur
Meeks
Paul
Schmidt
Shimkus

□ 1644

Mr. ROSKAM, Ms. MATSUI, Ms. LEE of California, Ms. BROWN of Florida, Messrs. CANTOR, HONDA, and WESTMORELAND changed their vote from ''aye'' to ''no.''

Messrs. JACKSON of Illinois, CLYBURN, BRADY of Pennsylvania, CARNEY, Ms. WASSERMAN SCHULTZ, Messrs. TIERNEY, VAN HOLLEN, OLVER, KING of New York, SHERMAN, BLUMENAUER, FARR, DAVID SCOTT of Georgia, GEORGE MILLER of California, WAXMAN, PERLMUTTER, KEATING, ISRAEL, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, and Ms. TSONGAS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIR (Mrs. CAPITO). The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 274, not voting 12, as follows:

[Roll No. 844]

AYES—147

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
King (NY)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woodall
Woolsey
Yarmuth

NOES—274

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

NOT VOTING—12

Bachmann
Bishop (UT)
Ellison
Gardner
Giffords
Kaptur
Kind
Lynch
McCollum
Paul
Schmidt
Shimkus

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1648

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 277, not voting 8, as follows:

[Roll No. 845]

AYES—148

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berman

Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—277

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

NOT VOTING—8

Bachmann
Gardner
Giffords
Kaptur
Paul
Poe (TX)
Schmidt
Shimkus

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1654

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 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 Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 139, noes 284, not voting 10, as follows:

[Roll No. 846]

AYES—139

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—284

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinchey
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Luján
Lummis

Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Bilbray
Gardner
Giffords
Kaptur
Paul
Schmidt
Shimkus
Waters
Woodall

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1657

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 281, not voting 8, as follows:

[Roll No. 847]

AYES—144

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

NOES—281

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
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
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Bachmann
Gardner
Giffords
Gohmert
Kaptur
Paul
Schmidt
Shimkus

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1701

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 276, not voting 7, as follows:

[Roll No. 848]

AYES—150

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo

Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—276

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

NOT VOTING—7

Bachmann
Gardner
Giffords
Kaptur
Paul
Schmidt
Shimkus

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 1705

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 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 noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 123, noes 299, not voting 11, as follows:

[Roll No. 849]

AYES—123

Ackerman
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (FL)
Capps
Capuano
Carnahan
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Hahn
Hanabusa
Hastings (FL)
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks
Miller (NC)
Miller, George
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Wasserman Schultz
Waters
Waxman
Wilson (FL)
Woolsey
Yarmuth

NOES—299

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall

Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Watt
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Andrews
Bachmann
Barton (TX)
Gardner
Giffords
Gutierrez
Kaptur
McMorris Rodgers
Paul
Schmidt
Shimkus

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1708

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. CICILLINE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 277, not voting 10, as follows:

Roll No. 850

AYES—146

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Himes
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—277

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinchey
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
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 (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Gardner
Giffords
Hinojosa
Kaptur
Paul
Schmidt
Shimkus
Smith (WA)
Wilson (SC)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1712

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. CAPITO) having assumed the chair, Mr. WESTMORELAND, 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. 822) to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State, and, pursuant to House Resolution 463, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. CICILLINE. Madam Speaker, I have a motion to recommit at the desk.

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

Mr. CICILLINE. I am opposed.

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

The Clerk read as follows:

Mr. Cicilline moves to recommit the bill H.R. 822 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 5, after line 3, insert the following:

SEC. ___. LIMITATIONS ON RECIPROCITY FOR CHILD SEX OFFENDERS, DOMESTIC VIOLENCE OFFENDERS, AND KNOWN OR SUSPECTED TERRORISTS.

(a) IN GENERAL.—Section 2 of this Act shall not apply to a person—

(1) who has been convicted in any court of a sex offense against a minor;

(2) who has been subject within the past 10 years to a court order which restrained the person from harassing, stalking, or threatening a spouse, family member, an intimate partner, or a child of an intimate partner; or

(3) whom the Attorney General determines is known or reasonably suspected to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism.

(b) DEFINITIONS.—In subsection (a):

(1) INTIMATE PARTNER.—The term ''intimate partner'' has the meaning given that term in section 921(a)(32) of title 18, United States Code.

(2) TERRORISM.—The term ''terrorism'' means international terrorism (as defined in section 2331(1) of title 18, United States Code) and domestic terrorism (as defined in section 2331(5) of such title).

Mr. GOWDY (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. Madam Speaker, with nearly 14 million unemployed Americans and our Nation's economy continuing to struggle, it is disheartening that we stand here today divided, engaging in heated debate about expanding the ability of people to carry concealed weapons and ignoring the most important issue confronting our country, the jobs crisis. We're debating an effort to undermine the ability of States to protect residents from the scourge of gun violence, and we have before us a bill that will effectively preclude States from limiting who can carry a concealed weapon within its borders and for what purpose.

While many of my colleagues and I are seriously opposed to the passage of the underlying bill, there still remains an opportunity for us to find common ground. There's a chance for us to unite around a reasonable and commonsense amendment which would prevent the privileges in this bill from being extended to some of the most dangerous individuals into in our society, individuals who have or intend to inflict great harm upon our communities and our Nation.

Let me be clear, this is the final amendment, and passage of this amendment will not kill the bill. It will be incorporated into the final language and be immediately voted upon.

While many of us may disagree with the underlying intent of this bill, it's hard to imagine anyone would disagree that there are certain individuals that should not be afforded the right to carry concealed, loaded weapons across State lines. It's hard to imagine that anyone would advocate for preserving a path for terrorists, child sex offenders, stalkers, and domestic abusers to transport a loaded gun into another State. Yet these glaring loopholes are present in the underlying bill. And if my amendment is not passed by this body, this dangerous and appalling pathway for violence will remain.

For far too long, terrorism has inspired fear in our country and threatened the happiness and safety of our citizens. While we continue to live in a world that requires constant vigilance and full awareness of the danger of future terrorist attacks, there is not a single provision in H.R. 822 that would prevent suspected or known terrorists who acquire concealed-carry permits in one State with lax regulations from carrying that same concealed loaded weapon into another State with more stringent regulations.

In addition, many current States' concealed-carry laws do not sufficiently protect victims of domestic violence. A 2007 investigation found that Florida's licensing system had granted concealed-carry permits to more than 1,400 people who had pleaded guilty or no contest to a felony, 128 people with active domestic violence injunctions, and six registered sex offenders.

In fact, in 2010 Gerardo Regalado, a man who had a record of violent behavior against women, was able to obtain a concealed-handgun permit in Florida. He then went on to commit the worst mass killing in Hialeah, Florida's history when he killed his estranged wife and three other women at a local restaurant. H.R. 822 will force other States to recognize Florida's concealed-carry permits, the same permit held by Gerardo Regalado.

Finally, there are no protections in H.R. 822 to prevent individuals convicted of a sex offense against a minor from carrying a concealed loaded gun into a State whose requirements might have otherwise prevented that individual from acquiring a concealed-carry permit. Child sex offenders, individuals who create unimaginable lasting harm in our communities, should not be allowed to continue to perpetuate fear in the hearts of our children and families. H.R. 822 will force other States to recognize permits issued to these individuals who pose danger to our children. All too often, guns legally end up back in the hands of criminals, and nothing in this underlying bill would impede child sex offenders or domestic violence offenders from carrying their loaded concealed guns across State lines.

In the simplest of terms, my amendment would preclude child sex offenders, domestic violence offenders, and known or suspected terrorists from enjoying the privilege of concealed-carry reciprocity authorized in the underlying bill. We owe this commonsense amendment to our brave law enforcement officials and first responders, who bear the greatest responsibility in protecting us from terrorist attacks.

□ 1720

We owe this to our Nation's children, whose innocence is threatened by dangerous individuals who prey on them. We owe this to the victims of abuse, who deserve some consolation that the law will not send their abusers legally armed into another State to continue stalking, threatening, and perpetuating abuse.

Now is the time for our Chamber to unite. Let's demonstrate to the American people that we can use common sense and come together to do what is right. While there is no question that the Second Amendment embodies the right to bear arms, our citizens also enjoy the right to be free from the terror of gun violence.

I urge all Members to support this motion.

Mr. GOWDY. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. Thank you, Madam Speaker.

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will suspend.

Members are reminded to not traffic the well while another Member is under recognition.

Mr. GOWDY. Madam Speaker, the Second Amendment to our Constitution was drafted, debated, and ratified in precisely the same manner as the First Amendment, the Fourth Amendment, the Fifth, the Sixth, and other amendments our colleagues on the other side of the aisle hold sacrosanct.

And consistent with this belief that liberty and the right to arm one's self are inextricably linked, it is settled law that our Constitution protects the right to travel. It protects the right to self-defense. It protects the right to defend the lives of others. Not once, Madam Speaker, but twice the Supreme Court has held the right to keep and bear arms is a fundamental individual right. And those rights do not know any geographic boundary. Our right to defend ourselves does not ebb and flow with the vicissitudes of our travel or because we transverse a State line.

Despite the fact that these rights are protected in the Constitution, there are still those who seek to treat the Second Amendment as a constitutional second-class citizen. Sometimes those efforts to denigrate the constitutional status of the Second Amendment are overt and sometimes they are obscure. And as much as we appreciate the renewed—and I'm sure short-lived—infatuation with States' rights embraced

by some of our colleagues on the other side, let me ask you simply this:

What limits are you willing to accept with regard to the First Amendment? Does your State want reporters to have to pass a test so they can exercise their First Amendment? Do you want 50 different versions of freedom of religion?

What about the Fourth Amendment? Is one State free to dispose of the exclusionary rule because it doesn't agree with it? Do we have 50 different versions of what is a reasonable search and seizure?

What about the Fifth Amendment? Do we have 50 different versions of Miranda?

What about the Eighth Amendment? Are there 50 different versions of cruel and unusual punishment?

We are delighted, Madam Speaker, to have our colleagues rediscover the beauty of the 10th Amendment and the concept of State rights. Eventually, we hope the same for the Second Amendment.

This motion to recommit is offered to jettison the underlying bill and further relegate the Second Amendment to a constitutional scrap heap. All of these amendments were dealt with in committee, and the matters of State law classifications are just that, State law. The fact that certain State legislatures refuse to protect their citizens does not mean this body will refuse or abdicate its responsibility to defend the Second Amendment.

This bill, H.R. 822, has 245 cosponsors, more than half the Members of this body, and it enjoys that wide and diverse support because it is emblematic of our forefathers' genius. They gave us the fundamental right to travel. They gave us the fundamental right to protect ourselves. They gave us the fundamental right to protect others. And they gave us the fundamental obligation to defend liberty.

I urge my colleagues to oppose this motion, and 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

Mr. CICILLINE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage, if ordered, and the motion to suspend the rules on H.R. 674.

The vote was taken by electronic device, and there were—ayes 161, noes 263, not voting 9, as follows:

[Roll No. 851]

AYES—161

Ackerman
Andrews
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
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
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—263

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
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 (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Dreier
Gardner
Giffords
Kaptur
Paul
Schmidt
Shimkus
Shuster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1743

Ms. HOCHUL changed her vote from ''aye'' to ''no.''

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 noes appeared to have it.

RECORDED VOTE

Mr. SMITH of Texas. 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 272, noes 154, not voting 7, as follows:

[Roll No. 852]

AYES—272

Adams
Aderholt
Akin
Alexander
Altmire
Amodei
Austria
Baca
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn

Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Gutierrez
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinchey
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind
King (IA)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Luján
Lummis
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—154

Ackerman
Amash
Andrews
Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Doggett
Dold
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Himes
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Keating
Kildee
King (NY)
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Turner (NY)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woodall
Woolsey
Yarmuth

NOT VOTING—7

Bachmann
Gardner
Giffords
Kaptur
Paul
Schmidt
Shimkus

□ 1751

Mrs. MCCARTHY of New York and Mr. CUMMINGS changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CAMP) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 853]

YEAS—422

Ackerman
Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Inslee
Israel
Issa
Jackson (IL)
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)

Pitts
Platts
Poe (TX)
Polis
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
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Reed
Rehberg
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Renacci
Reyes
Ribble
Richardson
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Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Bachmann
Duncan (TN)
Gardner
Giffords
Hall
Kaptur
Paul
Posey
Ross (FL)
Schmidt
Shimkus

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1800

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2112, CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–290) on the resolution (H. Res. 467) providing for consideration of the conference report to accompany the bill (H.R. 2112) making consolidated appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3086

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 3086.

The SPEAKER pro tempore (Mr. FLEISCHMANN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3004, de novo;
H.R. 2660, de novo;
H.R. 2415, de novo;
H.R. 1791, de novo.

PRIVATE FIRST CLASS ALEJANDRO R. RUIZ POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3004) to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the ''Private First Class Alejandro R. Ruiz Post Office Building''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TOMBALL VETERANS POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2660) to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the ''Tomball Veterans Post Office''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TROOPER JOSHUA D. MILLER POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 2415) to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the ''Trooper Joshua D. Miller Post Office Building''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1791) to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the ''Alto Lee Adams, Sr., United States Courthouse''.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GOP JOBS OFFENSIVE: ROLLING BACK JOB-KILLING REGULATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. CARTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. CARTER. Thank you, Mr. Speaker.

We're all glad to be back in the capital city to talk about the regulations that are drowning our country, and we have got some legislation that's going to try to do something about that.

I see that some of my colleagues are here to join me in talking about these things. I've been on the floor of this House now for the last 18 months explaining to people how these regulations are killing jobs in this country. And really what it cuts down to what we need to turn this country around, we don't need big stimulus spending. That didn't work. We tried that. We don't need the government to tell us how to run our business. We need the people to be able to run their business with the government getting out of the way.

And so we have today several bills that we think are going to be very important to tell us just exactly how we can make sense out of this overwhelming amount of regulations.

Thousands of regulations just this year have been proposed, many of which will kill hundreds of thousands of jobs across the country.

I have two of my colleagues that are here. I will first recognize my friend from Kentucky—I think he has somewhere to go—to tell us a little bit about a solution that he has proposed.

Mr. DAVIS of Kentucky. Thank you, Judge CARTER. I appreciate your holding this tonight and your flexibility in allowing me some time to share as we've talked about before at times on the floor various aspects of the growth of the regulatory State.

The issue is not being against regulation or for regulation. The issue is having transparency and accountability. We've seen in this administration and the last administration, the administration before that, an ever-increasing reach in agencies where they're stretching the law, whether it's the Clean Air Act of 1972 that's being stretched to proportions far beyond the original intent of Congress or issues related to the Clean Water Act that stretch beyond the bounds of science, to unfunded mandates in No Child Left Behind from the last administration. We can think of a wide variety of these issues.

For me, I think the American public wakes up when it hits them in the pocketbook, when it hits you and me in the pocketbook. In our case, you probably experienced the same thing in Texas.

The year that I was sworn into Congress, a consent decree was forced upon our local community for nearly a billion dollars in storm water compliance that was not only beyond the needs of the community, it was beyond the economic capability of the community to comply.

That was based on a rule issued by an interpretation of a law that had been passed 8 years before in a different Congress, in a different political climate. And again, our citizens, the citizens of the Fourth District of Kentucky, citizens of districts across the United States, had no recourse but to comply with this.

One of my constituents walked in as we wrestled with different aspects of not limiting regulation but providing accountability, providing the opportunity for the voters, our citizens, to be able to hold the government accountable for what it does, walked in and said to me, ''JEFF, why can't you guys vote on this?'' And we had a revelation in a different way to come back and address the issue of regulatory transparency.

Standardization is important, but it needs to be at a place that the American people agree with and support and is practicable from the standpoint of cost. And the economic cost is often not incurred in this. We have towns across the United States, across the Ohio Valley whose compliance cost with just that regulation alone is more than what the budgets of the communities are on an annual basis. It's unreasonable, and there is no recourse.

So we went back and we researched and found a portion in the Congressional Review Act of 1995 that we suggested changing. And to the shock of many of my constituents, only one regulation has ever been repealed in the history of the Congress. That was the Clinton-era ergonomics rule that had the House, the Senate, and a President who would sign that.

□ 1810

So you have to get, in effect, a majority in the House, a supermajority in the Senate, and then have a Chief Executive who is willing to change that or to prevent that regulation from going into effect.

What we wanted to do was something a little bit different. It's done in industry; it's done in business. In effect, it's done in virtually all competitive sports, where, if something gets out of bounds or out of expectation, the game stops. In production, on the assembly line, when the red light comes on, the line stops, and people have to take an extra look at what the issue is. In this case, what we wanted to do was have a simple process to restore transparency and congressional accountability of what the executive branch does, which was the genesis of the REINS Act. It's really a very simple thing.

The REINS Act stands for Regulations from the Executive in Need of Scrutiny. It's H.R. 10 in this Congress. The number on the chart up there was from the last Congress, H.R. 3765. Basically, what it does is it requires Congress to approve all new major rules so that ''major rule'' is defined as one that has $100 million or more in cumulative economic impact across our country.

What our bill will do is really very simple.

Once a rule comes to the end of its 60-day comment period, it would have to come back up to Capitol Hill for a stand-alone, up-or-down vote under a joint resolution in the House, in the Senate, and then be signed by the President of the United States. It's making the point that for any major rule, a rule that reaches into the pocketbooks of all hardworking, taxpaying Americans, they have a right to be able to hold their elected Representatives and Senators accountable for the position that they take on that direct economic impact.

For me, I think it's fine. There are times that America will stand up and say, Yes, we agree with this, and this is the right thing to do. There are other times, particularly in hard economic times like today, when the last thing that we want to do is increase that regulatory burden, that out-of-pocket cost on America's citizens.

To give you an idea of this, the cost in 2009 alone for the compliance of regulation on our economy was $1.75 trillion. If some significant portion of that regulatory process were streamlined, that would be creating jobs and, ultimately, more taxpayers.

Mr. CARTER. Let me point out that the $1.75 trillion is more than the entire income tax for that year that was collected by this country. So, when you talk about a burden, it's more than the entire tax burden of our Nation for that year.

Mr. DAVIS of Kentucky. I think the gentleman has a great point. In fact, it comes down, I think, to about $10,000 for every man, woman, and child in the United States of America for the cost of regulatory compliance.

To your point, why it's so critical now is that we've seen agencies in the last administration and in this administration that have gone into overreach. Most importantly, what we saw happen in the last Congress was a Democratic supermajority in the House, in the Senate, with a liberal Democratic President, who was out to keep his campaign promises. I can respect that. The American people spoke in that election, but they also spoke in the election that followed last year in that they did not agree with the overreach, be it legislative or on the regulatory side; and they made a change, certainly, in this body.

The administration proceeded at that point to attempt to enact cap-and-trade rules—an energy tax on every American—by regulation. When the Congress in a Democratic supermajority could not pass those bills in order to send them to the President's desk, they were intent on doing it by executive order.

It's the same thing that we see happening potentially with the card check-forced unionization bill. It could not pass in the last Congress, so we see attempts to move that by regulation. There are issues with unfunded mandates on our schools. We're even seeing an extension of that inside the Department of Education, which further hamstrings already strapped local school districts. It could not get through the United States Congress, so we're seeing attempts to do that by regulation.

What the REINS Act would simply do is say, Stop, Mr. President. Stop, Cabinet Secretary. You have to have the advice and the consent of the representatives of the American people before you're going to move for something that's going to hit us that hard. We have 197 cosponsors on the bill so far. Two hearings were held on this in the Judiciary Committee. It was passed out of the Judiciary Committee 2 weeks ago. We had a markup in the Rules Committee to go over some technical pieces inside of the bill regarding the timelines on vote triggers. It passed out of the Rules Committee; and we're looking for a vote here, hopefully in the very near future, to see it passed and sent over to the United States Senate.

I appreciate what the gentleman from Texas is doing to champion this move to not only awaken the American people to the huge economic impact of

overregulation, but to present a wide variety of legislative fixes that you and many of our colleagues have authored to stem this tide of overreach of the government and to allow our economy to stand up in energy, in manufacturing, and agriculture. With that, I thank you.

Mr. CARTER. I thank the gentleman from Kentucky for the work you've done on the REINS Act.

This is a good bill. This needs to be passed by Congress. I hope that our colleagues over on the Senate sides, when they grab ahold of this, get excited about it and realize that regulations impose more burdens on the American people than this Congress does. In many instances, they come to us and say—Why did you pass this law that puts this burden on us?—when the real issue is they don't understand that it was done by regulations, by people who were not elected, unlike the Members here. We have to answer to our boss, and our boss is the American people. Unfortunately, with regard to these regulations done by the executive branch agencies, I guess the only boss they have to answer to is the President.

In many instances, they're even independent of the President. Some of these regulations are not thought out in the real world. They're, in fact, thought out in the minds of somebody who sits at a desk and just thinks, This has got to be a good idea. Sometimes these good ideas overwhelm us in costs and, quite frankly, interfere with our lives.

So we've been talking about this. The American people are talking about it. When you go home, they want to know, What are you going to do about allowing the businesspeople to have an idea of what the playing field is going to look like? because these regulations are changing the rules every time we look up.

This leads us into what, I think, is another excellent piece of legislation that I'm proud to be a part of. My friend from Wisconsin (Mr. RIBBLE) is the actual originator of this bill, and I jumped on it with him because I thought it was a good idea.

So I'm going to yield to my friend and let him have a chance to explain this to you and what his idea was and why we both got into this mess of trying to make it clear for those who would make our economy grow, just exactly what the playing field looks like.

Mr. RIBBLE. I want to thank my friend from Texas. Thank you so much for allowing me to join you on the floor today.

I spent my entire adult life running my own business, so this is something that I've had the opportunity—or maybe the misfortune—to deal with firsthand. I found it interesting that, just a few weeks ago, on October 25, Politico ran an article which said right here: ''Regulations: Top Issue for Small Businesses.'' In fact, they cite a Gallup Poll that, indeed, 41 percent of small business owners said that government was somehow related to the biggest problem facing their companies. More small business owners view the costs of complying with government regulations as a bigger problem than any other issue.

I've heard this time and time again.

Just recently, I was up in northern Wisconsin, in Rhinelander, Wisconsin, where three other Members of Congress and myself held an all-day session with the timber industry. We invited Chief Tidwell, from the U.S. Forest Service, to come in to talk about harvesting timber in our national forests. I had a timber manager come up to me who harvests timber up in the Wisconsin North Woods.

She said to me, Congressman, I want to show you something. If I do a timber sale here that's regulated by one of the counties here in northern Wisconsin, this is the contract that I have to fill out to harvest timber. That's the county contract.

Then she said, But do you know what, Congressman? If the State of Wisconsin manages that timber sale, the contract gets about twice as long, and I have to manage that contract. However, if the Federal Government manages the timber sale, this is the contract that we have to fill out for the Federal Government.

There are pages and pages and pages of bureaucrat red tape just to allow them to harvest timber that's owned by the taxpayer.

So I thought, after hearing a lot of these things and after having run my business, that maybe what this country needs more than anything—and I certainly support Congressman DAVIS' REINS Act. I think it's exactly the right thing to do. But I'll take it a little step further.

You and I together put together a bill called the Regulatory Moratorium and Jobs Preservation Act. This bill simply does one thing. It says that the government can't promulgate any new rules until unemployment goes below 7.8 percent, because you and I know full well, in talking to all the businesses in our own districts, that unemployment and regulatory environment are connected. They're linked together.

□ 1820

Now I will have colleagues from the other side of the aisle say to me, Well, Congressman, you know full well that this is all about demand, that demand is causing the problem; and without demand, people aren't going to hire. And I would say back that every single page of regulation, every single page of trying to comply, every single page has to be responded to by some business owner, and that means that response will have a direct cost to it.

As you pile on cost after cost after cost, there have been 24,000 new rules promulgated on the American business owner since 2004, nearly 1 million pages of new regulations. Every single page, page after page after page, adds costs. And every single time the cost of any good or service goes up, there are fewer customers that can afford that product, so demand must go down. So every time we add a new regulation, costs go up, demand goes down.

Finally, we've come to a new end game here with over 9 percent unemployment. So we wanted to connect our bill to unemployment so that we can show the American people, prove to the American people the empirical evidence that if we would put a hold on new rules and regulations, if we would inject certainty in this regulatory environment where business owners knew what future costs were going to be, they could measure future costs because they know that government won't promulgate a new rule, they will begin to hire again. That new confidence will be there, a new certainty will be there, and unemployment will go down.

Then, here's what I suspect will happen: As unemployment goes down, the American people will demand from Congress that we extend this rule until unemployment reaches 6 percent, or we get to full employment as we find this out.

Now, this rule does not remove a single safety net. This rule does not remove anything that's already there. I have heard people say, Well, you are just trying to destroy the environment, as if I don't want to breathe clean air, as if I don't want to drink clean water, as if I want my grandchildren to swim in lakes and streams that are polluted. It's ridiculous on its face. I want to breathe clean air like every American. I want to drink clean water like every American. I want to eat safe food like every American. And this bill will do nothing to remove any of those protections whatsoever. What it will do, though, is stop the administration from, by executive fiat, creating rules and regulations that haven't been created by this Congress. It will stop.

I was listening as my colleague from Kentucky was speaking, and I was struck by something. I was struck by this: Article I, section 1 of the United States Constitution says, ''All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'' Now, that word ''all,'' three simple letters, is pretty inclusive. ''All,'' it means all of them. And what the REINS Act does, it says that any rule that gets promulgated, the Congress, the duly elected Representatives of the citizens of the United States, get to say whether that makes a law or not. We get to say because the Constitution gave us, the Members in this body and the Members in the U.S. Senate, the authority to execute legislative power, not some Federal agency. And this REINS Act will reel it in.

My bill and your bill, Representative CARTER, will extend this control by the Congress, and it will simply return the

power back to our legislative, duly elected Members of Congress.

Mr. CARTER. Reclaiming my time, you just said a magic word that I want to repeat—''responsibility.'' Our Founders designed our form of government so that we defined rights in our Bill of Rights, but it also points out where the responsibility lies. And I would argue that these creations of regulatory acts, it allows people to avoid being responsible. They pass a law in Congress for the timber industry, and they give the authority to a branch of the executive to write rules to implement that legislation, and it allows this Congress to hide from those regulations. It's one of the reasons I've been talking up here for a year and a half now about regulations.

We all know our rights. It's time for those of us who have accepted a position of responsibility to be responsible. And when an unknown bureaucrat in a cubbyhole somewhere in the vast jungle of offices in this town can write a regulation that affects the very lives of American citizens—and he's going to get his paycheck. Nobody elected him. He's not going to get fired. You don't get run off for writing that regulation. He has been assigned to do rules and regulations. He doesn't take responsibility for it. He's hiding as a bureaucrat back there as civil servant.

It's time for the Congress to step back up, based on the Articles of the Constitution that you just read, and take our responsibility. And then those of us who answer to the people every 2 years and every 6 years—they're our bosses. They're the people who have hired us for this job. And when they have one of these regulations, they have somebody they can go to and say, You need to be responsible for implementing the regulatory moratorium and for stopping these regulations. They are killing us.

Let me just give you some examples real quickly that we've gathered on just some stuff that—these are current events. This is like looking back at current events for the last 6 or 8 months.

EPA greenhouse gas regulations, the potential job loss as a result of those regulations, 1.4 million jobs; new utility regulations, 1.4 million jobs; offshore oil and gas lease delays, 504,000 jobs; offshore drilling permitorium—they say they are going to introduce permits, but then they just don't ever get right around to doing it—430,000 jobs; reclassification of coal ash as hazardous—it affects this area right here—316,000 jobs; the new boiler regs that are coming out, 60,000 jobs; the Alaska drilling delays, 57,000 jobs; the new cement kiln regulations, 15,000 jobs. Just that little block adds up to 4,182,000 jobs that regulations are going to add to the unemployment rolls at a time when we have got unemployment at 9 percent.

And, by the way, I like the concept that you introduced and explained to me: Go back to what the unemployment was at the time that this administration came into being, 7.8 percent. I think that's more than reasonable.

Mr. RIBBLE. I couldn't agree more. As a matter of fact, unemployment has never been lower since the day President Obama was sworn into office.

I'm a freshman Member of Congress. I had the privilege of sitting in this Chamber for the President's State of the Union address. And the President said in that State of the Union address that he was going to ask for a regulatory review of the executive branch. He wanted to know what they were going to be doing, and he would make jokes about some of the ridiculous regulations.

And what we've done now—we've got one more President who's followed the traditions of dozens of Presidents who have ordered another study. In the meantime, the American people suffer while we study something that we already know. This is not so much about whether the government can create jobs. It's about whether the government is obstructing job creation, which is exactly what's happening. And that's why we decided to pick that number.

Mr. CARTER. I think that's creative thinking. We need to get unemployment below 7.8 percent. But it's a good point to start, and it gives us an opportunity to target what I honestly believe and a lot of economists agree with: The real solution to this situation we're in with our country right now is to get Americans back to work.

The President believes one more stimulus. The last one didn't work. The massive spending, the trillions of dollars of additional debt we've accumulated in the last 3 years didn't quite work. It wasn't quite big enough. We need to do it just one more time. And this time it will push it over the top. Well, I just don't think that the American people are buying it. They're watching the current events of today, where we loan money to companies that didn't have a concept that was going to pay for itself, and they're going broke; where we threw money at a problem instead of putting some common sense into the problem.

□ 1830

As a businessman, you nailed it. And you were one. For a while in my life I was a small businessman. You've got to know what's around the corner. You can't hire somebody if there's unknown around the corner. Because when you hire them, you get around the corner, you might have to fire them because that unknown is going to make it to where it's not profitable for you to have this person who you hope will make your business more profitable. They would make it less profitable.

People don't seem to understand around here. They think people hire people because somebody gives them a tax incentive or there's some incentive. Somebody gives them a little extra money this month. No, you hire someone to make your business more profitable. It's about prospering in your business. If you don't need somebody to prosper your business, you're not going to hire them. And all of the incentives in the world aren't going to make you hire somebody that doesn't make your business work. Whether you're a little bitty business or the biggest business in the world, that's the way it works.

So the reality is, as they plan—and, you know, there was a time, I read an article on this, there was a time when business planning was relatively short term. In fact, one of the things that came out of the Great Depression was the concept of long-term planning, both short-term, mid-term, and long-term planning for a businessman because you needed to know not only what was around the next 2 years, or the next 5 years. You needed to know around at least the next 10 years.

That's one of the reasons why when we have these tax bills that we have passed that will just end on a certain day, well, if you know it's going to end, you have to plan around it. You plan to avoid it, but when that drop-dead date comes up like we've got on the Bush tax cuts they call them around here, businessmen are looking at those and asking: What's that going to mean to my bottom line? I don't know, so I'm not hiring. I'm not expanding my business. I'm not building a building because I don't know what that means. Unknown regulations in the minds of regulators could change my world, could absolutely shake my world.

So this—and right at this time in this economy, when the number one thing you hear from every businessman you talk to is the unknown, whether it be the new financial regulations which have made financing unknown, whether it be the hidden tax increases in the health care bill, or whether it be regulations that we don't understand that we were surprised to get, we don't know what's going to happen, so we're not doing anything. We're sitting with our hands in our pockets, hope there's a little money in those pockets while we sit there, and we're not doing anything until we know what is going on. That's why this moratorium is perfect—perfect.

Mr. RIBBLE. I think there is something salient here that we really need to hit on. We, you and I, believe, as do many of our colleagues and, more importantly, small business owners and large business owners alike believe that this type of bill will actually increase employment. The very interesting point about this is it doesn't cost the taxpayer a penny. What this will cause is businesses that have now been putting their money in the bank and have been holding it because of fear, we will unleash that money back into the private sector to create jobs and get this economy going, and not a single penny of taxpayer dollars will be expended as a result of this. This is a simple thing.

You know, since the President talked to us back in January, over 70,000 pages

have been added to the Federal Register. Seven thousand pages. 539 rules have been deemed significant under Executive Order 12866. Stop and think about these numbers: 116.3 million hours of annual paperwork burden being added. And all of this continues to create that uncertainty. Why would you as a business owner spend any money when you have no clue what that future cost will be.

And just recently, I was talking to some friends of mine in my district at Thilmany Pulp and Paper Company in Kaukauna, Wisconsin, the hometown where my roofing company is; and they were sharing with me their concerns about the EPA clean-air ruling and a new rule called Boiler MACT. They said if that rule was promulgated, Wisconsin's paper industry would be decimated. But what is really most troubling is the fact that this is a revision of a rule that they just put in place a few years ago. So the entire paper industry in Wisconsin had to upgrade their boilers, spend millions of dollars of investment; and then a few years later the EPA came back and said, whoops, we made a mistake, we need to move the bar up again.

And rightfully so, these business owners are calling their Congressman. This time it's me. I'm sure you've heard from them in your own district, asking: Well, if we spend another $50 million or $60 million, what assurance do we have that the EPA won't move the bar next year? And then we have to spend it again and again and again. At what point is clean air clean air? And that's the problem.

I'll tell you, it would be very simple, when you start talking in the millions and millions of dollars, it's very simple to lose thousands and thousands of jobs. This is exactly where our national economy is at right now. There has been an onslaught of regulations dumped on the American entrepreneur.

Let's talk a little bit about access to credit. I've been very critical about the Dodd-Frank bill. I understand the intent was to get at Wall Street, and I appreciate the intent of getting at the things that caused our economic crisis back in 2008.

But what actually happened is it got at Main Street. So small business banks in my hometown of Appleton, they are now spending money and investing money and hiring regulatory analysts when they ought to be hiring commercial lenders. You know, most jobs created in this country are created by small businesses. But in reality, it's really small businesses under 5 years old, businesses that need access to credit.

I often wonder would someone like Steve Jobs be able to emerge in this type of environment today, building computers in his garage. I'm sure there's some rule against that now. You can't imagine. I chuckled the other day when I saw a famous television host on MSNBC standing with her hard hat by the Hoover Dam saying we need big projects like this; we need big thinking like this. Franklin Roosevelt ushered in these great programs to create jobs and generate energy. This was the boom day of the American mind. I had to chuckle thinking there'd be no way with the current EPA that you could ever, ever build the Hoover Dam today. It just wouldn't happen. The environmental rules alone wouldn't allow for it.

Mr. CARTER. Absolutely. You'd be dealing with the EPA. You'd be dealing with fish. You'd be dealing with the situation on endangered species, and that's clear down to the microscopic animals that you can't even see. All that. There's no way the Hoover Dam would get built like that.

There was a thing on the History Channel, I guess it was the night before last that I watched, about the building of the Alaskan highway. We had gone to war with Japan, and everybody looked at the United States and said my gosh, the Aleutian Islands, a part of the Alaskan—at that time Alaskan Territory, they're right close to the Japanese, and they're probably going to invade those islands. And how are we going to get materials, supplies, and men up to Alaska? There was no road between the United States and Alaska.

Nobody checked a single regulatory act. Nobody did anything but say: Get every bulldozer we've got and head for the border. We're cutting a road straight up through Canada. We'll design it on the way up there. We'll direction it on the way up there. They took off and they built a road. It was a gravel road, but it was the first road that connected the lower 48 to Alaska.

I looked at that thing and I said: My gosh, they wouldn't have gotten a mile and a half before they would have been enjoined by every kind of group on God's green Earth in this country under the present regulations we have in place, not even expanded regulations which are getting worse, the present regulations.

So when the President made that famous statement now that I've enjoyed very much, he laughed and said that I found out shovel-ready today is not really shovel-ready. And it's exactly the same regulations we're talking about here that keep it from being shovel-ready.

We're building about a 21-mile stretch of highway in my home county—trying to build one. We've been at it for 8 years. The money's in place. Section 1 has got bulldozers sitting on the ground because section 1 has been approved, and we're still trying to get 21 miles of road built through regulations.

I will say now, after a little work on our part, some regulators are being pretty reasonable, and we want to thank them for it. But the days of the Hoover Dam and the Alaskan highway will never come back, not with the regulatory environment we have here. What we're trying to do is not let this thing expand any further. We're not trying to kill species. We're not trying to mess up the air, like you said, or the water. We're trying to say we've got a good situation in place.

□ 1840

By the way, Mr. President, if it's a national security issue or a national emergency, submit it to us. Tell us what the emergency is. Let's visit with it, and if that's the case, this Congress will be reasonable. If we need review of the courts and the individuals need review of the courts, we provide that in here. It's very respectful of other people's consideration on these rights. For a small bill, there's a lot of good thinking in this bill.

Let me just read you something. This came out in the Columbus Dispatch. This is a quote from there:

> Obama's massive intrusions into the heart of the Nation's economy have not helped: Buying auto manufacturers and running roughshod over bankruptcy law and investor rights in the process, taking over the sixth of the economy devoted to health care, imposing a new regulatory regime on the financial sector and spending hundreds of billions of borrowed dollars with no very great benefit.
>
> Add to this the recent actions of the Democrat-controlled National Labor Relations Board. Perhaps its most damaging move has been to bring legal action against aircraft manufacturer Boeing Company for building a manufacturing plant in South Carolina. The NLRB seeks to punish a company for creating new jobs, at a time when unemployment is more than 9 percent and the Nation's economic growth barely registers.
>
> The chilling effect on other companies that are considering building new plants is incalculable.
>
> These moves have cowed, usurped, paralyzed or blocked the private-sector decision-making that is necessary to get the Nation moving again.

That's a quote from the Columbus Dispatch on 9/5/11, this year. And that's a perfect statement of a big picture of the regulatory burden that's made the papers. But you can have just as much trouble with one bug. So, as we deal with this, we've got to have something that says King's X until we get this economy back rolling.

I will once again yield to my friend, and you tell me if you've got other things you want to talk about.

Mr. RIBBLE. I thank the gentleman for yielding.

I just thought it would be interesting, the President was in here just a few weeks ago with his jobs bill, and I was struck—I actually came into the Chamber with the intent of not really being critical but to try to find out what is it that we could agree on so we could maybe, for the good of the American people, move those things forward. But I was struck that the President didn't mention energy a single time.

Now, we've lost millions of jobs in the energy sector. Just recently, the President decided to punt on Keystone, the TransCanada pipeline which would have created thousands of jobs by even the lowest estimate, thousands of high-paying union jobs. Fully, labor was supportive of it, and he decided to kind of punt on that and not let jobs.

It seems like the President's jobs plan is really at the regulatory agencies where, since he's been sworn into office, employment has increased 13 percent. While the private sector is shedding millions of jobs, the President has decided to hire thousands of people at Federal regulatory agencies. Now, I guess it is may be so they can implement the 3,573 new rules that have been put in place since January 2010.

We have to get to a place where we understand the connection between employment, the connection between costs and jobs, and just American competitiveness. How in the world can we have businesses compete in this day and age when there's a constant onslaught from the Federal Government?

I thought I might read a quote from CNBC. We asked several CEOs leading up to the President's speech what bold steps President Obama could take to reduce the 9.1 percent unemployment rate. John Schiller, chairman and CEO of Energy 21 said:

> If the government would get out of the way from a regulation standpoint and let us, 21, do what we do good, you'll see us continue to hire and grow this economy. I think that's a message from across the board.

And I believe it is a message. For some reason, it just doesn't seem like the executive branch fully understands how this economy actually works. Obstacle after obstacle after obstacle, layer upon layer of new rules and regulations, and each one of them hurting job growth and employment in this country.

David Park, President and CEO of Austin Capital, said:

> Regulations have companies running scared. They are coming at businesses, and some new regulations are already taking a toll while others will soon. This could be a real deterrent to future entrepreneurs.

And since most jobs are created by entrepreneurial companies under 5 years old, the difficulty of actually even forming and starting a company today is burdensome, and it's hugely complex, all because of this endless stream of control and regulations as if Washington, D.C., as if you and I, Judge, have all the answers. We don't have the answers. The answers are found in the private sector. The answers are found in the citizens of this great country.

Recently, we passed a bill just the other day on ballast water. I sit on the Transportation Committee, and I noticed while reading the bill that the Federal Government was going to promulgate rules for ballast water for ships that come into the United States and traverse throughout the Great Lakes. Now, my home is in Appleton, Wisconsin, just near Lake Michigan, just south of Green Bay, Wisconsin.

We have the Port of Green Bay there, and the concern was—I was reading the bill—that the Federal Government exempted themselves, that they were creating a whole new level of bureaucracy, red tape and rules that they were going to promulgate on private shipping companies but not on themselves. So a Federal science ship or an EPA vessel could traverse the whole globe and not have to manage ballast water the same way that everybody else did. So I added an amendment, and this body passed it, that said that if the Federal Government is going to promulgate rules on private shipping companies, they have to live by those same rules themselves. It's high time that the Federal Government begins to treat the government the same way they treat the private sector. I think if we start doing that type of thing, some of these problems will begin to go away.

Mr. CARTER. That's good common sense. Thank you for doing that. We appreciate it.

Congressman RIBBLE, I understand you have some support for this bill in the Senate. Would you like to tell us a little bit about that?

Mr. RIBBLE. Yes. There's a companion bill that is going through the Senate right now. It's the identical piece of legislation. It was crafted by Senator RON JOHNSON, a colleague of mine from the great State of Wisconsin. We thought it would be good for us to do a project together. We talk quite often, and the idea of attaching the moratorium to unemployment was Senator JOHNSON's idea. I thought it was a terrific idea. And he now has a companion piece of legislation. He told me that there are more than 20 cosponsors in the U.S. Senate.

And this bill now has over 70 cosponsors here in the House of Representatives, and it continues to move forward. I'm very optimistic that we're going to be able to pass this bill through this Chamber and send it on over to the United States Senate where I hope reason will rule the day, that they will see this doesn't remove a single safety, it doesn't restrict any safety or put something out of the way that's currently in place. It just says let's give the American entrepreneur, the American job creator, some breathing space. Let's give them some room to just have some certainty for the time being, until unemployment starts to get going and the engine of our economy starts moving again.

And I hope that, and I challenge the United States Senate, after we send this piece of legislation over to them, that with most haste that they go ahead and pass it. And if they can't pass it, let's for sure let the U.S. Senate have a chance and Members of that Chamber to vote on it. They kind of have a method over there where they can protect Members from having to make tough decisions. They just table a piece of legislation and don't even vote on it. And I would challenge the Senate majority leader that when we send H.R. 2989 over there, that they would actually bring it to a vote, and let's have our U.S. Senate stand up and say whether they agree with this or not and have them go officially on the record about whether they believe that regulations are a problem in this economy or not.

Mr. CARTER. And when the American people hear that once again we've got over 20 bills that could have done something to turn this economy around that have been tabled, I hope they will ask themselves, Why did the Senate table my job? Because everything's about jobs. When you table a piece of legislation, you're tabling somebody's job.

□ 1850

One of the things that a lot of people don't understand—and that's just because they don't think about it; once they start thinking about it, they can understand it—that they hear something like the pipeline. I happen to have spent every summer of my life from the time I was 15 until I graduated from law school working on pipelines. I have worked on pipelines in Texas, Louisiana, and overseas in the Netherlands in Europe, and in Belgium. So I'm an old laborer on the pipeline. When you hear ''pipeline,'' you think the pipeline of the pipeline. But the number of people involved in laying a pipeline and the number of assorted jobs you don't even think about that are involved in that are overwhelming. In many instances, you've got to cut roads out to where the pipeline is going to be. So you've got road builders involved, you've got gravel haulers, and in some instances asphalt layers, if the farmer will let you.

You've got the pipe. The pipe industry is making pipe. The welders are welding the joints. The people that are surveying are surveying the project. The heavy machinery is digging the ditch. Many individuals are cleaning the ditch with hand shovels because it's got to be a certain way, or you get a process which can cause the pipe to have an electrical charge on it. Engineers are engineering it; scientists are studying it. The product that's going to flow down that pipeline is being tested so that you see what stress levels you're going to have. It creates jobs, not just a pipe; but there are hundreds and hundreds of industries that are tied to just laying a pipeline.

If you're drilling an oil well, the same thing. Those offshore drill rigs, you know who got hurt bad on that? The guys that feed those people out there on those rigs and the helicopter pilots that fly the food out there. I mean, it shut down restaurants and closed down helicopter businesses in the gulf coast when we had the moratorium. We forget those little guys that are providing those services for the big ExxonMobil or some other platform out there. But in reality, there's thousands of small businesses connected to any major project like that.

A minimum number of jobs for that construction on the pipeline, it's been estimated, is 25,000 jobs. I can tell you, unless the world has changed a whole lot since I was a kid, it's the best-paying job for a laborer that I could find in the State of Texas for a kid my age. I worked until I was 26 years old on

those things in the summertime, and it still was the best-paying part-time job I could find anywhere in the State of Texas, or even better, in Europe.

So the point being that there is a domino effect when there is a big project like this, or the lumber industry you were describing in your State, or the shipping industry on the Great Lakes. It's not just ships that are involved in the shipping industry. It's hundreds of other professions that are involved in the shipping industry.

And when we start thinking about that concept, when you go out and hit the big guy—people around this country have got this idea that big guys, big things are bad, and they don't realize that it takes hundreds and sometimes thousands of little guys to keep the big guy's project going. They're all making a living and they're all raising their families and having their homes based upon that project. This is the concept of what capitalism does and free enterprise does for our country.

And when the regulators stop something like that pipeline, or when they put a moratorium on it until after the election so you don't have to talk about it during election time, that hurts little guys as well as big guys. And it's a wrong concept. We've got to make this country once again prosper, and it takes a lot of things to make it prosper. So we're just asking for the government not to be one of the hindrances. And I think that's what makes this a great bill.

We're just about out of time. I want to thank you for joining me and explaining the bill and allowing me to be an original cosponsor with you on this bill so we can work this together. I will do everything within my power to assist you in getting this bill to this floor and passed through this House; and hopefully Senator JOHNSON will get it done over in the Senate, and we'll help him where we can. And it will be good for America to say time out, time out on these regulations.

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

RIGHT TO VOTE UNDER ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order tonight.

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

There was no objection.

Mr. GONZALEZ. Mr. Speaker, thank you for recognizing me, and I thank the Democratic leader, Ms. PELOSI, for giving me this time. I thank my colleagues for listening and for joining me in a few minutes. But I am also very sorry to be here in a certain respect. I'm sorry because I stand here tonight to talk about threats to the right of American citizens in States across this great country to go to the polls and cast a ballot in our elections.

The single most fundamental aspect of our democracy—or any democracy—is the right to vote, and that right is under attack. Mr. Speaker, there is no right mentioned more often in the Constitution than the right to vote. In the past 207 years we have amended the Constitution 15 times. Seven of those amendments—almost half of the amendments—over the last two centuries are about protecting, in the words of the 14th Amendment, the right to vote.

Minorities, women, adults over 18 years of age, poor citizens, and of course citizens of our Nation's Capital—at least if only for the Presidential election—all of these groups' right to vote has been enshrined in our Constitution. That's why it is so troubling to see dozens of States passing laws that will make it harder for citizens of the United States to vote. Whether by denying them the opportunity to vote after church on Sunday before the election day—perhaps because they cannot take time off work on election Day—or requiring them to spend time and money to procure a birth certificate and a photo ID, the only thing that these laws will do is to weaken our democracy. They are just plain wrong.

Hopefully, I will be joined by some of my colleagues. But I do want to spend a little bit of time explaining to the American public and to my colleagues what this is all about. And I'm going to start off by the photo ID voter requirement which is being passed obviously out of the legislature in the State of Texas and to be enacted for the 2012 election.

What is it exactly? Well, people will say, you mean, you just have to have a photo ID? It is not just any photo ID; it has to be one that meets all the requirements of a particular State's laws. So you would say, well, how onerous could that possibly be? As I've said, it is not just any government-issued photo ID that will be accepted on election day. It has certain requirements. So, much to my surprise, I recently found out that basically my identification and my voting card that all Members of Congress use would not be sufficient, would not meet the requirements in the great State of Texas. But it should not come as any surprise, because if you are a veteran and you have a photo ID that allows you to go to the Audie Murphy Memorial Veterans Hospital in San Antonio, Texas, in my district, that photo ID will not suffice under Texas law. If you're a student in one of our State-supported institutions that has your photo on there, has your name, all that information, that is not going to meet the requirements in the State of Texas.

So you would ask, why would we pass these laws? What is the need? What is the requirement? Because we all know, whether you're in the State legislature or in this great House of Representatives at the Federal level, we don't pass unnecessary laws. So there must be a purpose behind these photo ID laws as well as other laws that are restricting the rights of individuals to exercise the right to vote.

It is to stop fraud. The photo ID, its whole purpose is to stop people from impersonating an eligible voter.

□ 1900

Now, you would say, so that must be happening across this great country and that's why we need this law. People are impersonating other people. People that shouldn't be voting might be impersonating an eligible voter. So let's discuss that, the reason for the photo ID in these many States.

I'm going to give you the example of the State of Kansas. The secretary of state pushed an ID law on the basis of a list of 221 reported instances of voter fraud. This all was supposed to have occurred in Kansas since the year 1997. So from 1997, for about 13 years, there were 221 reported instances of voter fraud. When the newspaper, the Wichita Eagle, looked into the local cases cited by the secretary of state, they found almost all of them were honest mistakes. None were attempted to be perpetrated by someone impersonating someone who they were not.

A great example of that, and I have to read you the excerpt from the Wichita Eagle of October 29, 2010:

> Republican Kris Kobach, who has built his campaign for secretary of state around the issue of voter fraud, raised the specter of the dead voting in Kansas.
>
> Kobach said in a news conference Thursday that 1,966 deceased people were registered to vote in Kansas.
>
> ''Every one of those 1,966 identities is an opportunity for voter fraud waiting to happen,'' he said. Furthermore, he said, some were still casting ballots. He gave an example of one person—Alfred K. Brewer, a Republican, registered in Sedgwick County with a birth date listed of January 1, 1900. Brewer, according to the comparison of Social Security records and Kansas voter rolls, had died in 1996 yet had voted in the August primary, Kobach said.
>
> Reached Thursday at his home where he was raking leaves, Brewer, 78, was surprised some people thought he was dead.
>
> ''I don't think this is heaven, not when I'm raking leaves,'' he said.

Those are example after example. No one can give you a specific example of voter fraud based on someone impersonating someone who they should not be on Election Day.

Now, between the years 2002 and 2007, a major Department of Justice, at the Federal level of course, had a probe into voter fraud. The result was failure to prosecute a single person for going to the polls and impersonating an eligible voter. Zero prosecutions. After tremendous amounts of manpower, time, energy, and money, nothing happened.

Now, the Brandon Center for Justice, the cases for voter fraud, what is it? So

if you have a law that is addressing a particular offensive-type behavior that obviously hurts this great Republic of ours, such as voter fraud, surely we must have demonstrated, tangible, verifiable cases out there.

The Washington Post, in an editorial, was looking at the number of alleged voter fraud. And these are not all predicated on voter ID. It could be some other type of fraud that's being perpetrated. But if you took all of the cases that have ever been alleged, this is the percentage of the total votes cast of those that might be suspect; because you've got to remember, there's going to be a price we're going to pay for this law, and that is it's going to disenfranchise the eligible voter in pursuit of the phantom illegal voter.

In Missouri, if you took all of their complaints, it would amount to, when compared to the total voter turnout, 0.0003 percent. In New York, it would amount to 0.000009 percent. In New Jersey, it would be 0.0002 percent.

So where is the voter fraud? What are we trying to address in passing these laws by the different State legislatures?

We had a recent occurrence, and this was not even a voter ID case, but this is where the secretary of state in Colorado, Mr. Gessler, was dropping voters from the voting list and not forwarding ballots for voting based on that particular voter not having voted in 2010. It didn't matter if they voted previously to that. If they did not vote in 2010, then they were dropped from the rolls.

And what was the reason for that? Well, there's potential voter fraud, potential of fraud. But they could not—that secretary of state, when they finally went to court, could not address, could not demonstrate, could not offer into evidence one case of voter fraud, not one. Based on his suspicions or conjecture.

In 2006, in the great State of Texas, my home State, the Texas attorney general had a press release, and it was entitled, ''Let's Stamp Out Voter Fraud in Texas.'' Sounds good. Sounds like a good thing to do. He could not name one, not one single case of fraud that would have been stopped by a voter ID law in the State of Texas.

I would yield at this time to my colleague, the great Representative from the great State of New Jersey, RUSH HOLT, for such time as he may consume.

Mr. HOLT. I thank my friend from Texas, and I thank him very much for setting aside some time for this important issue.

You know, more than a century ago, the Supreme Court described the right to vote as the most fundamental right in our government because it is the preservative of all other rights. Indeed, that's true. And many years later, half a century ago, President Lyndon Johnson said that ''the vote is the most powerful instrument ever devised by man for breaking down injustice.''

The vote is the lifeblood of self-government, and it's one of the most powerful ways that citizens can affect change. The integrity of the electoral process is fundamental to ensuring that the voice of the people is heard.

I often say that a self-governing country such as ours works only if you believe it does. And we must make sure that every American knows that every vote counts, that every vote will be counted and that, you know, recognizing how complicated—it's not as simple as we would all like to believe—how complicated it is, that we, at the Federal level and at the State level, are doing everything we can to protect the franchise, to protect the franchise of each citizen to cast his vote. And it's not just that we want to protect this as a right; it's something we should desire for the sake of our country, that we get the diversity of opinion.

Well, what's happening right now is in State after State there's legislation that's intended to exclude some opinions, exclude some individuals, exclude some groups. Of course, this is something this country has seen in the past and worked diligently—yes, through Federal law—to correct. It was known as a poll tax. There were also literacy tests, quite clearly intended to exclude African Americans from not just their right to vote, but from their obligation and their privilege of voting.

What happens if laws are enacted to diminish the integrity and the accessibility of the ballot box for particular sectors of society? What happens if those disenfranchised voters typically vote for candidates representing one party?

Well, I came of age in the throes of the civil rights movement, when our colleague Representative JOHN LEWIS, then a young man who had been tapped by Martin Luther King, Jr. to become a leader in the movement, was beaten. I often say he's the only Member of this Chamber who had his skull cracked, literally, to try to earn the right for everyone, every citizen to vote.

In the aftermath of those bloody confrontations, Congress said there is a role for the Federal Government. The Voting Rights Act of 1965 was passed, and it's made an enormous difference.

But we can't sit back. We can't rest because right now, in State after State, there is effort to exclude some people. If you require people to jump through a lot of hoops, maybe not a lot of money, but spend some money, to me, that's a poll tax.

□ 1910

That is illegal, unconstitutional. We thought we had gotten away from it. We thought we had gotten away from so-called literacy tests where people had to jump through some truly unreasonable hurdles in order to vote, where prospective voters were quizzed to ask how many bubbles there are in a bar of soap. Hurdles that could not be crossed.

Well, you know, it sounds reasonable when you say you don't want anyone who's not eligible to be showing up to vote. But where are those people? In State after State, these ID requirements are put in place to deal with a problem that doesn't exist, and millions of Americans are being excluded from voting in order to deal ostensibly with this problem of fraud at the polling place.

Now, I don't doubt that in some ways, subtle or otherwise, there is some fraud. But I have not heard of a single immigrant coming across the border, walking through the desert of our southern States so that they could sneak in and cast a ballot some place.

There are tough laws and severe penalties for people who vote fraudulently in the name or address that is intended to deceive. But very few people have been caught doing that. There are very few examples of prosecutions or apprehensions or, for that matter, even suspicions of this happening. And yet all of these laws that are being passed are ostensibly to deal with that problem. It's a problem that doesn't exist in nearly 5 million Americans by estimates from such people as the Brennan Center of the law school at NYU. Five million people might be excluded from this.

So I thank my friend from Texas for engaging in this discussion tonight. Indeed, this is the right that preserves all other rights. What could be more important? It is cynical, it is disingenuous, it is un-American what people are doing in a very systematic way to exclude large groups of people from voting to solve a problem, an imaginary problem that's been trumped up. I believe it's been trumped up just so that they could exclude large numbers of people from voting.

I thank my friend for raising this critically important question.

Mr. GONZALEZ. I thank my colleague from New Jersey, and I appreciate his words of encouragement here to address what is going on in this country as we speak. As a matter of fact, there are other laws that are awaiting legislative action in different States.

I return still because I think people have a legitimate and good faith question about what are these laws supposed to address. And it's supposed to be about fraud. Mr. Speaker, let me address the claim of fraud once more.

There is no voter fraud that is going to be stopped by denying a 96-year-old woman in Tennessee her voter ID card because her last name doesn't match the name on her birth certificate, and she doesn't have a copy of her marriage certificate showing the change. There is no voter fraud that will be stopped by denying Floridians the right to vote after church on Sunday before election day.

Is that because there is no fraud? Not really. Fraud isn't about voters going to polls when they're not eligible. It's about the two individuals in the State

of Maryland who were indicted earlier this year for organizing deceptive robocalls to keep voters from the polls. It's about the robocalls last month in the State of Ohio telling people that the election was on a Wednesday. This is about the group in Houston, Texas, that just hosted a man who said that registering the poor to vote is un-American and ''like handing out burglary tools to criminals.'' That's the fraud that's really perpetrated on Americans today.

It's an old story of keeping people away from the polls when we should be encouraging them to vote. These new voter ID laws and law curtailing early voting or election day registration won't stop this kind of fraud, and the kind of fraud that would stop simply does not exist.

The previous administration, as I noted earlier, nearly broke the civil rights division of the Department of Justice in its quest to find this kind of voter fraud that voter ID would stop. They couldn't find any because it does not happen. But these laws will have a powerful effect. They will deny millions of Americans the right to participate in this democracy.

So we know what the law is. We know what it is intended to address, but doesn't really exist which is that kind of fraud. But what is the cost?

Mr. Speaker, all of us in this Chamber understand that when we pass legislation, we always look at the cost-benefit aspect of it. In other words, does the good really outweigh the bad? Is it worth the investment because there's going to be some consequence. In this case, it would not pass any kind of scrutiny if we really look at what it's going to cost Americans and how it's going to benefit Americans.

Now, the NAACP in a brief from November 1 of this year cited the following information: 11 percent of eligible voters in this country, 11 percent of eligible American citizen voters, 21 million strong, don't have updated State-issued photo IDs. So who's going to be impacted? Potentially 21 million eligible American citizen voters.

But of that 21 million, 25 percent will be African Americans, 14 percent are families or individuals that earn less than $35,000 a year, 18 percent will be seniors over the age of 65. But even 20 percent will be individuals between the ages of 18 and 29.

So I was asking a colleague, why do we do the analysis? What is the benefit and what is the cost? And many times we'll say, well, the cost is beneficial because it's worth that kind of investment if we get any kind of return.

Let me point out the fallacy of these laws when we actually apply the test because when we talk about numbers, they are mere numbers in the abstract; but these are real American voters that will be denied their right to vote when they go to that polling place and are informed that they need a State-issued photo ID.

There is no more fundamental right than that of voting, and a barrier that stops 1 percent of the people from voting is not acceptable merely because 99 percent of the people are still able to vote. Think of that proposition.

□ 1920

You simply are saying, well, if we just deny 1 percent, 2 percent, 3 percent, or 5 percent, you still have 90-something percent of the population, of the registered and eligible voters, who are still going to be able to vote. But think in terms if that were your vote or if that were a family member's vote. Every vote is precious in this country, and there is no evidence to support that what you're addressing is a widespread problem that will disenfranchise many, many thousands—hundreds of thousands and even millions—of American voters. That's what we're facing here today. That's what the analysis shows.

So, even if the lies of any scrutiny would show that this is ill-conceived, it will not produce the result that you're seeking because the problem that you're trying to remedy does not exist. There is a price that will be paid, and the price will be paid by many disproportionately—by seniors and minorities and by those who may not be in the upper economic scales of this country.

It is now my honor to yield such time as he may consume to my colleague from the great State of Florida, who can tell us many things about the Florida experience, Congressman TED DEUTCH.

Mr. DEUTCH. I thank my friend for yielding, and I thank him for the opportunity to come and join with him tonight to address an issue of great concern to many Americans.

We're here tonight because Republican State legislatures across the Nation are passing laws to make it harder for people to exercise their right to vote. The story they tell is one of rampant voter fraud that threatens the integrity of our elections and the very foundation of our democracy. It's a scary story. Imagine—just imagine—mobs of illegally registered voters entering our poll booths and hijacking our elections.

However, there is something far scarier than the story that's being told—and that's the reality. It's the reality that our electoral system is not under siege by voter fraud but, instead, by an historically deliberate and ongoing effort to suppress the votes of America's minorities, seniors, students, and other traditionally Democratic voters.

Now, while this is a nationwide trend, there is no question that the recent voting law passed in Florida takes the cake for radically infringing on voting rights. Ask any Floridian. Florida doesn't have a history of voter fraud. Florida has a history of voter suppression. This is a State that didn't ratify the 19th Amendment, guaranteeing women the right to vote, until 1969. This is the State where, in 2000, Secretary of State Katherine Harris eliminated 57,000 votes, mostly of minorities, simply because their names resembled those of persons convicted of crimes. They were wiped from the voting rolls. Now, our current Governor, Governor Scott, wasn't in Florida in 2000 when George Bush's legal team fought to stop counting the votes, when Katherine Harris certified election results without including the recount from my own Palm Beach County, and when the Supreme Court stopped a manual recount of votes. Florida is the State where thousands of seniors, whom I am so privileged to represent today, headed to the polls on election day in 2000 and never had their voices heard.

That was hard work. It was hard work silencing the voices of the voters. HB 1355, the Florida election law, the voter suppression law, makes it child's play.

Florida is the State where, in 2008, when Governor Charlie Crist extended early voting hours, Republican officials decried the fact that better access to voting would likely cost them the election. Now Florida is the State that is serving as a model for Republican legislatures across the country that are looking for ways to suppress turnout at the polls.

HB 1355 eliminates the ability of voters to update their addresses or names at the polls due to marriage, divorce, or even military base relocation. Those voters now have to cast provisional ballots, which will likely go uncounted.

HB 1355 also cuts early voting from 14 days to 8 because of the fact that the United States of America is one of the few democracies in the world where not declaring election day a national holiday is simply not restrictive enough.

HB 1355 also allows absentee ballots to be arbitrarily tossed out of elections because of poor handwriting. The men and women I represent who may suffer from Parkinson's disease or arthritis or from the aftereffects of a stroke will have their votes thrown out because their quivering hands make their signatures look sloppy.

Perhaps most disturbing is how HB 1355 cripples the ability of third-party groups, like the Boy Scouts and the League of Women Voters and the NAACP, to run voter registration drives. In fact, any third party, including high school civics teachers, that offers to help students register to vote must turn in the registration forms within 48 hours or face fines.

By passing HB 1355, Florida has provided States across the country with a blueprint for the voter suppression of minorities, seniors, students, and other Democratic voters.

The voter fraud bogeyman may be a scary story, but it cannot compare to the very real and very blatant voter suppression efforts of Republican legislatures across America. Perhaps, because they know they can't win fairly, they need to suppress voters, not because of imaginary voter fraud, but because of real Americans—real Americans who have seen the true colors of a

Republican agenda that ends Medicare, that slashes education, that eliminates jobs, and that limits economic opportunity for working families. Real Americans have had enough, and they have the right to express themselves by exercising the most basic, the most fundamental right in our Nation—the right to vote.

I thank you for organizing this opportunity tonight for us to make very clear to all who are watching that we won't let them take that right away.

Mr. GONZALEZ. I thank my colleague from Florida.

At this time, I yield to a dear friend and colleague who is also from the great State of Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ, for such time as she may consume.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

It's really wonderful that the gentleman from Texas has organized this opportunity to have Members come to the floor and highlight our concerns and our commitment to protect the fundamental right and the very bedrock of our Democratic principles—the right to vote.

I am pleased to stand with so many of my colleagues who all share my deep concern over the organized, insidious effort now underway in many States to disenfranchise millions of Americans and to silence their voices in our democracy. These efforts are purported to combat so-called rampant voter fraud; yet no investigative effort to date has found voter fraud to be a major problem in our Nation, so no one should fall for this ruse. As my colleague from Florida just outlined, every American should understand and be concerned about the political disenfranchisement that is going on in many States, including in my home State of Florida. State legislatures are attempting to impose voting restrictions that are the modern day equivalent of poll taxes and literacy tests.

Now, let me be clear. The foundation of our participatory democracy, of our democratic society, is rooted in the right to vote, in the right to choose our elected leaders, to have representation in government, to have input on the major policies of the day—the right to have our voices heard. That's why more than 250 years ago we threw off the shackles of the British Empire that denied American colonists representation in Parliament.

The fight toward universal suffrage has been long and arduous, but it is a fight worth fighting. As May Wright Sewall, a leader of the women's suffrage movement in 19th century America, said:

Universal suffrage is the only guarantee against despotism. Just as those who came before us have fought to gain and retain the right to vote, we, too, must stand vigilantly against those who seek to limit it. Each time I cast a ballot, I am reminded that it is a right not to be ignored. Less than a century ago, the women who came before us were denied the right to have their voices heard. Women during that time were confronted by a wealth of arguments against our right to suffrage. Women did not want the vote or women were already represented by their husbands or—one of my favorites—a woman's place is in the house.

□ 1930

Well, I would agree with that last statement, if we're talking about the House of Representatives, with the note that a woman's place is also in the Senate, the Governor's office, and in all seats of government. The women who fought for my right to vote were beaten, jailed, ostracized, and tormented. But still, they kept on and persevered because they knew that the women of our great Nation should not be deprived this fundamental right. So, no, we will not stand by and allow anyone's voting rights to be threatened, not on our watch. And many of our colleagues also know this fight too well.

Despite the passage of the 14th and 15th Amendments, giving citizens equal protection under the law and the right to vote regardless of their race, African Americans still faced more than a century of overt voter suppression. And while we made huge gains with the Voting Rights Act of 1965, a seminal moment in our Nation's history where we declared that truly no election law can deny or abridge voting rights because of race or color, we cannot afford to sit back and just declare the fight over.

The struggle for universal suffrage is not over. We cannot allow State legislatures to drag our Nation backwards in what is nothing more than a political quest to protect their governing majority's interests.

A little more than 10 years ago, Florida experienced election day turmoil that reminded us all how important it is to remain on guard against disenfranchisement. The many irregularities that occurred in my home State during the 2000 elections were a painful reminder of how rights can be denied.

The Commission on Civil Rights report on the 2000 election in Florida found ''widespread voter disenfranchisement.'' As Commissioner Chairperson Mary Frances Berry stated at the time, ''It is not a question of a recount or even an accurate count, but more pointedly the issue is those whose exclusion from the right to vote amounted to a 'no count.' ''

In the last year, scores of States, including Florida, have passed laws restricting access to the polls. A recent Brennan Center report found that these changes in State voting laws will likely suppress the vote of more than 5 million voters nationwide. We need look no further than my own home State of Florida to see the threat against universal suffrage. The Florida law passed last spring restricts both voter registration and voting opportunities. It was championed by Governor Rick Scott and passed by the Republican-led legislature which has overwhelming majorities in both the House and the Senate.

First, it restricts the ability of nonpartisan organizations or individuals from helping citizens register to vote. It fines people in groups up to $1,000 per voter if registration isn't turned in within 48 hours. Just the other day, a teacher was sanctioned and is now being prosecuted because she didn't turn in her students' voter registrations within the new amended time frame that voter registration cards have to be turned in. And now she is being subjected to a significant fine per vote.

As a result of this law, the League of Women Voters, a champion of nonpartisan voting rights for over seven decades, has suspended its voter registration operations in Florida because they can't take the risk to think that they would be bankrupted by this absolutely unfair, terrible law.

Second, the Florida law rolls back early voting opportunities, including the Sunday before an election. It eliminates voting on the Sunday before an election. And I can tell you firsthand how important weekend early voting is for the thousands of seniors who live in my district and for millions all across the State.

Also in 2008, African Americans and Hispanics, who together make up roughly one-quarter of Florida voters, accounted for more than half of all voters on the final Sunday of early voting. So do we think it's a coincidence that that group of voters, which voted overwhelmingly for Democratic candidates, now suddenly has their right to vote on that particular Sunday removed from them?

As far as we have come in our society in broadening the scope of civil rights, we cannot afford to revert to a time when it was acceptable to limit the rights of a select few. We are not meant to have a government of some people, by some people, for some people. I hope my colleagues will join me in ensuring that we uphold President Abraham Lincoln's democratic ideal of government for all the people, elected by all the people.

I thank the gentleman from Texas for the opportunity to speak tonight.

Mr. GONZALEZ. I thank my colleague from Florida.

At this time, Mr. Speaker, I would like to enter into colloquy with my colleagues from Florida and New Jersey. I guess I'm just going to pose the question: So what if just a few people are denied access to the ballot box? It's just a few. And after all, we're trying to see if there's any kind of provable, tangible fraud going on. Now, they haven't been able to prove any fraud based on identification, of course. But you pointed out in your remarks what happened in Florida in 2000.

How many votes in Florida actually determined who was going to be President of the United States of America?

Ms. WASSERMAN SCHULTZ. 537.

Mr. GONZALEZ. And we've already touched on estimates of how millions

of eligible American citizen voters don't have a current State-issued ID. The number is in the millions. And in Florida, it was less than 600 votes.

I don't know the experience in New Jersey. But it would seem—and I went over this earlier, and I don't know if my colleagues were here—we passed laws in this Chamber, and we always try to demonstrate that we're trying to remedy a situation that is true in existence. And the manner in which we do it—we look at cost benefits. We can't prove fraud; but I can assure you, we can prove beyond a shadow of a doubt that people will be denied access to the polls.

Mr. HOLT. I thank my friend from Texas.

The history of America has been a history of expanding the franchise, the opportunity, the right to vote. And it's based on this principle that we often talk about in this Chamber but maybe don't pay enough attention to, which is the principle of equality under the law. We're not just saying that, Yes, everybody can vote—well, unless you are disabled, and you can't get into the polling place. Or everybody can vote except, well, if you're 75 years old, 85 years old, you are no longer driving, and you have let your driver's license expire, and, no, you haven't gotten down to the Department of Motor Vehicles to get another one. Or we'll let everybody vote—well, as long as you pay a tax or if your grandfather voted or if you can cross these hurdles.

Our history has been a history of saying everybody is equal under the law. And we don't put artificial hurdles in place. The 15th Amendment said you can't deny African Americans the right to vote. In 1915, the Supreme Court said, The grandfather clauses are unconstitutional, which would outlaw exemptions from literacy requirements for voters whose grandfathers had been eligible to vote at the time of the Civil War.

The 19th Amendment said women can vote. The 23rd Amendment said citizens of the District of Columbia could vote in Presidential elections. The 24th Amendment outlawed poll taxes. And in 1965, as I referred to earlier, in the aftermath of the march across the Edmund Pettus Bridge in Selma, the Voting Rights Act was passed, which prohibits discrimination on the basis of race or language-minority status. It prohibits the use of suppressive tactics in various poll tests.

I could go on. The 18-year-old vote, the Americans with Disabilities Act, which requires equal access to voting places, the National Voter Registration Act, the ''Motor Voter Act,'' these are all based on the principle of equality under the law.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. HOLT. I would be happy to yield.

Ms. WASSERMAN SCHULTZ. Thank you.

In answer to the gentleman from Texas' question, what's wrong with it, is this is supposed to be a country that affords everyone—regardless of any category that you fall into—the opportunity to vote. The voter suppression laws that have been passed by Republican legislatures, championed by Republican Governors across the country, have systematically targeted specific groups of individuals based on their propensity to vote differently than the legislators who support those laws would like to see them vote.

In other words, they are essentially blocking access to the polls for people who vote against their interests, against Republican interests. Blocking anyone's access to the polls is unacceptable to begin with, but insidiously trying to influence the outcome of an election through systematically changing the law to prevent people who are likely to go to the polls to vote for your opponent is the most heinous form of antidemocratic policy. I mean, it's the kind of policy that you would see in countries that we abhor, countries that we criticize.

□ 1940

For example, let's take the photo ID laws, and we have a photo ID law in Florida. There are photo ID laws across the country. You may have told the story about the 96-year-old woman from Tennessee. I'm sure you've already talked about that this evening. If you look at the statistics, which you may have gone over as well, 11 percent of Americans don't have a photo ID—11 percent. Twenty-five percent of African Americans don't have a photo ID, and I don't know the number, I was looking for the statistic for Hispanics.

It is unacceptable to say that the only way you can identify somebody is by requiring them to carry a photo identification in order to vote. That's just ridiculous. Modern technology today allows for signature matches. All of our supervisors of elections have the signatures on file either in the old-fashioned way, written on a piece of paper, or scanned into a computer where they can match the signatures. That's how they have done it for many years in Florida until they imposed the photo ID law. All photo ID laws are an obstacle in the path of an individual who is more likely to go and vote for someone who is not a Republican. I'm sorry, elections should be won fair and square.

Mr. HOLT. And continuing to answer the gentleman's question: Who cares? Why does it matter? My friend from Florida has talked about how millions can be disenfranchised, excluded by the photo ID laws. Additionally, State after State has made it more difficult to conduct voter registration drives. So people who are eligible, who should be voting, are prevented from or hindered in their registration. And hundreds of thousands, we expect, would be excluded because of registration drives. And there are other restrictions, too, that I will talk about in a moment.

Ms. WASSERMAN SCHULTZ. I just want to tell a story on that very specific restriction. We had the Republican secretary of state in Florida recently ask the attorney general to start assessing $50 fines for each of the 76 voter registration applications that were submitted by a high school teacher in Santa Rosa County. There was no indication of foul play. The applications were of individuals who appeared to be eligible Florida voters. They were high school kids who were 18 and were eligible to vote. But because Florida has changed the law under the Republican voter suppression law that requires registration to be turned in within 48 hours, and it used to be 10 days, this teacher got fined because she was trying to help her students register to vote and didn't get them in under the new time limit.

Mr. HOLT. So I ask the gentlelady, how many other patriotic Americans are going to be deterred from asking their friends, their neighbors—in this case, maybe students—from registering for fear that they'll be prosecuted if they don't dot the I's just right?

Ms. WASSERMAN SCHULTZ. Exactly. The League of Women Voters in my State, Mr. HOLT, has registered voters in Florida for seven decades and suspended their voter registration activity after this law passed because they can't take the risk. The organization would become bankrupt. Can you imagine, the League of Women Voters no longer registers people to vote in the State of Florida.

Mr. HOLT. And then in other States—who cares, my friend asks—in other States, they're making it harder to cast absentee ballots. So that's going to exclude people.

You know, you don't have to be a conspiracy theorist to see behind this a purpose of exclusion. This is not, Oh, we're just trying to clean up the procedures here to make sure that it's all neat and tidy. No, this is deliberate exclusion.

Mr. GONZALEZ. Well, the curious thing, and I know the gentlelady from Florida has already pointed it out, there is no doubt that certain segments of voters are being targeted. This isn't an even application whose consequences will be felt across equally all sectors or segments of the voting population. We know what is really going on, and it is an asserted, directed effort. And some people may find it exceedingly hard to believe that that's what these laws will actually accomplish rather than the lofty goal of somehow eliminating, addressing voter fraud when we've already stated that you don't have any demonstrable evidence that the fraud is occurring.

Now, I do want to say in Texas, we just had this new photo ID law passed, and so I went to the Secretary of State's Office and I went to the Department of Public Safety which is charged and tasked with the duty of providing this election ID, photo ID. Now, this is the amazing thing. The Department of Public Safety in the State of Texas has not been appropriated one extra dollar

for this added burden. They are not going to have extended hours. They are going to have the regular hours. They're not going to have any mobile units of any type. They will continue using their existing facilities which are already taxed to the limit by individuals who are going in there just for regular business.

Now, this is the State of Texas. You may not believe this, but I think Florida is a pretty big State. New Jersey, not as big. But you can have a distance of 100 miles from some of our towns to the nearest DPS office. Now, why would that be important? You don't have a Texas driver's license, so that tells you you're going to have to get someone to drive you to the DPS station. And then you're going to be in the same line. Maybe they'll queue it a little differently, whatever it is, but I'll tell you now, the Texas experience is no different than most other States where you stand in line for inordinate amounts of time. If we're talking about the elderly, if we're talking about those who have some sort of a physical handicap, they can still go out and vote because they're so proud of the right to vote that they've been exercising for 60-plus years.

I would yield to the gentlelady from Florida.

Ms. WASSERMAN SCHULTZ. Thank you.

Because in some States it's equally as bad. It is certainly bad enough in Texas they're not putting more funding in to make sure those people have more access to get those photo IDs. But in some States, because of the budget cuts, they're systematically, in communities that have large African American populations and large Hispanic populations, shutting down driver's license offices, so it's even harder for those communities to go and get a photo ID.

This has been insidious. The disturbing thing about this is that it's clear that these Republican legislatures, led by Republican Governors, just don't think that they can win an election on the merits. And so they need an insurance policy because, in the event voters actually decide that no, Republicans aren't interested in creating jobs, no, they're not interested in getting the economy turned around, and, gee, maybe I'd like to actually go to the polls and vote for the candidate of my choice, they are using the insurance policy of voter suppression laws to make sure that people who are likely to go to the polls and vote for someone other than them can't do it. It's un-American. It's unacceptable.

Mr. GONZALEZ. I believe we still have at least 5 minutes, and I surely wanted to reference an article that was written by our colleague from Georgia, JOHN LEWIS. Mr. HOLT, I think, has already referred to Mr. LEWIS' illustrative career in the civil rights movement and such, but I would like to read the last couple of paragraphs because coming from JOHN LEWIS it is special because he's lived the worst of times and he knows that it's been a progression, a slow one, and we're not there yet. To somehow return to those old days under the guise of some sort of voter fraud, which again has not been demonstrated, we know the cost is going to far exceed the benefits.

This is what he said:

> These restrictions purportedly apply to all citizens equally. In reality, we know that they will disproportionately burden African Americans and other racial minorities, yet again. They are poll taxes by another name.
>
> The King Memorial reminds us that out of a mountain of despair we may hew a stone of hope. Forty-eight years after the March on Washington, we must continue our work with hope that all citizens will have an unfettered right to vote. Second-class citizenship is not citizenship at all.
>
> We've come some distance and have made great progress, but Dr. King's dream has not been realized in full. New restraints on the right to vote do not merely slow us down. They turn us backward, setting us in the wrong direction on a course where we have already traveled too far and sacrificed too much.

□ 1950

Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. JOHNSON of Ohio). The gentleman has approximately 5½ minutes remaining.

Mr. GONZALEZ. I'd like to yield time to each of my colleagues as we close out the Special Order.

I would first recognize the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

So, as efforts are made to put hurdles in the way to require proof that is difficult or expensive to get, that is, if offices are closed, and open periods for absentee ballots are shrunk, and early voting is discontinued as it has been in some States—in fact, Florida, Georgia, Ohio, Tennessee, and West Virginia have succeeded enacting bills that reduce early voting—all of this serves only to reduce the dignity of Americans by saying the principle of equality applies except for some people, some people as I said, who might have physical disabilities or might be elderly or might be low income.

But, more than that, it deprives us of a working democracy. The reason, the history of America has been a history of expanding the franchise so that we could have a more stable, productive democracy. We want everyone to vote. It makes this a richer country in every way.

I thank the gentleman for setting aside this time. I can't think of a more important topic to be debated in this great Chamber.

Mr. GONZALEZ. I thank my colleague for his participation and his words.

I would yield to my colleague from Florida.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding, and thank you for the opportunity for calling us together on this very important topic. I just want to close out my time very briefly by saying to the gentlemen from Texas and New Jersey that we are not going to lay down and just allow these laws to stand, that there are civil rights organizations, as we speak, pursuing these laws because we know that they are violations of people's, of individuals' constitutional rights.

We know they are violations of the Voting Rights Act of 1965. We know that the Justice Department is reviewing many of these laws because they have to be precleared under the Voting Rights Act of 1965. So people should know that while we are here expressing grave concern, we are certainly not only using our voices to fight these insidious laws; we are standing up for the franchise, standing up for the right to vote and making sure that, as Democrats, we go to bat to make sure every eligible voter has an opportunity to cast their vote for the person that is the individual that they want to represent them in this representative democracy. We are standing against individuals who try to fix the outcome of elections by blocking people's access to the polls.

Mr. GONZALEZ. I thank my colleague from Florida, I thank the Speaker, and I yield back the balance of my time.

Mr. BACA. I want to recognize my colleagues, Mr. HOYER and Mr. GONZALEZ, for organizing this special order hour.

The United States is the land of opportunity, and it functions on the premise that every American citizen has natural given rights outlined in our Constitution.

Maybe the most important of these rights is the right to make our voices heard in the voting booth.

Unfortunately, some states in our great nation have passed laws that actively work to suppress this sacred right.

The Republican leadership in Wisconsin, Kansas, South Carolina, Tennessee, and Texas have all passed measures that drastically change Voter-ID requirements.

In Wisconsin—elderly and disabled voters will no longer be able to use their Social Security identification to vote.

In Texas—student IDs will no longer be recognized at the polls.

These types of measures have the potential to impact 5 million voters in the United States.

Those impacted are most likely to be the youth, minority, elderly, disabled, and low-income voters.

Some claim that the reason for such measures is to combat "voter fraud." But there is absolutely no evidence to prove this theory true.

Since October 2002—86 individuals have been convicted of federal crimes relating to election fraud, while over 196 million ballots have been cast in federal general elections.

Voter fraud is exceedingly rare, and when it does happen, it's doesn't occur at the polls through impersonation.

It happens through misinformation about polling locations, voter roll purges, or even ballot stuffing and electronic voting system manipulation.

There are 21 million Americans who do not have government-issued photo identification. They do not deserve to have their rights stripped away from them.

This number includes 18 percent of the elderly, 16 percent of Latinos, 25 percent of African American, 20 percent of young people, and 15 percent of people who earn under $35,000 yearly.

These misguided laws clearly create a disproportionate burden on racial minorities, seniors, young people, and low-wage workers.

The fees to obtain an ID can range from $20 to $100, and the costs of getting the required paperwork such as birth certificates, passports or naturalization papers can be costlier.

Many foreign-born Americans—who are legally allowed to vote—lack papers such as birth certificates required to obtain a driver's license or state ID.

These laws go against the fundamental foundations of our democracy.

They are unconstitutional and violate a citizen's right to voice their opinion through the form of a ballot.

Every citizen should easily be able to have their say in an election.

These laws are voter suppression—plan and simple—and we will no longer stand for it.

Many compare these laws to the poll taxes adopted by Southern states to discourage African-Americans from voting after the Civil War.

Have we really reverted back to this mentality?

We've made so much progress as a nation of equality for all, but these laws are making us take a step backwards.

Simply put, this is a threat to our democratic process.

Our right to vote should not be determined by any political agenda.

Many countries around the world do not have the universal right to vote as we have here.

Americans are able to speak freely, and write about their issues or concerns without fear of being reprimanded.

Politically, they voice their opinions through the vote, and stripping or limiting that natural born right is in complete violation of how I can be here today.

It is an infringement on our democracy.

I know that if we come together—we can and will do better than this.

Again—I thank Whip HOYER and CHC Chairman GONZALEZ for organizing this special order.

INTEGRITY IN GOVERNMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Iowa (Mr. KING) is recognized for 30 minutes.

Mr. KING of Iowa. Mr. Speaker, it is always my privilege to be recognized to address you here on the floor of the House of Representatives. And I find it a bit ironic that I'm watching the Representatives from Florida, New York and Texas speak to the Speaker pro tem just previous to you about the election situation. I'm thinking about the 2000 election when it was reported—not substantiated to my satisfaction—but reported that as many as 25,000 people from New York voted both in New York and in Florida either for a President from Texas or one from Tennessee where the Speaker pro tem momentarily ago was from. That's a bit of an irony as I listen to this discussion that's going on about the election process here in the United States.

And I think there's too little concern on the part of my colleagues whom I do respect and appreciate and count as friends in many respects. I think there's too much focus on how you get more warm bodies to the polls as many times as possible and not enough on the legitimate vote.

Now as I listened, the gentleman from Texas said there's no demonstrable evidence that fraud is occurring. I would disagree. I think convictions are demonstrable evidence, and the convictions particularly in Troy, New York, of election fraud. I have seen it in the State of Iowa in a fashion that didn't result in convictions, but I have conviction that it happened. We have paid too little attention to election fraud in the case that I mentioned of people voting in the State of New York and in the State of Florida. If they do both, they surely can't be lawfully voting in each of the States. They may not be lawfully able to vote in either State, but voting in both States.

And how does that happen, Mr. Speaker? This is an unexamined subject matter on the part of my colleagues from the other side of the aisle. How does it happen that people can vote someplace where they don't reside? How does it happen that people can vote when they're not citizens? How does it happen that they can vote when they're not qualified to vote? How does it happen that they can vote in more than one jurisdiction for the same election, not necessarily simultaneously, but possibly simultaneously?

And I can answer those questions to some degree how that is, Mr. Speaker. It works this way: the voter registration lists within the States are not integrated among the States. And so if an individual is registered to vote in New York, they can also be registered to vote in Florida, or any adjoining State for that matter, New Jersey, Connecticut, you name it. All we have to do is go in and register in one State and go register in the other State.

In fact, in my own State, it was the case—and probably is not still the case—that the voter registration list does not integrate itself county to county in a definitive way. If John Doe registers to vote in Washington County and goes over to register to vote as John M. Doe in Jefferson County, there's two registrations there, and John Doe can vote in both counties, both by absentee.

In fact, in my State where there's 99 counties, it's possible to vote in 99 counties simultaneously by absentee. If you just simply register yourself to vote, put up an address that is perhaps a false address, but an address of someone else, and if the voter registration is unique in any way—the initial could change, it could be ''John,'' it could be ''Jonathan,'' the middle name can change, and that's all it would take. The same person could vote multiple times in a State. Now think how many times that can happen when they're crossing the State lines.

No one has yet calculated how many times an individual could vote in the United States if they really wanted to game the system. And we do hear credible stories of buses taking people across the State lines and buses taking people from precinct to precinct to vote multiple times. And who have been the advocates for same-day registration? Who have been the advocates for lowering the integrity of the vote itself? It's been the people on the other side of the aisle. It's been the Democrats.

The things that Republicans bring to establish credibility and integrity in the vote are undermined by the Democrats on the other side of the aisle, Mr. Speaker. And why? Because they say that people are disenfranchised from their vote. And I would argue that legitimate voters, American citizens who respect the law and vote one time, one place in their legal residence, are watching their vote be canceled out by illegitimate votes. That happens in this country. Because we don't have convictions for people voting in multiple locations for the same election isn't an indication that it doesn't happen. We do have some convictions.

We don't have large numbers of convictions as the gentleman from Texas may have implied but not specifically said. And the reason for that is because our voting laws are so open, so lax, and so insecure that it's nearly impossible to get a conviction.

For example, in the State of New Mexico, if I were working the voting booths as an election worker in New Mexico, and I opened the polls up at, say, 8 o'clock in the morning, and I'm sitting there for the list of people that come in, and they say, I'm John Doe, I'm Jane Doe, I'm Jim Smith, if one of them walks in and says, I'm STEVE KING and I live at the address where I live, and I have not yet voted, I am compelled, even as an election worker, to let that false and fraudulent individual vote under my name. It's against the law in New Mexico and other States to challenge an illegitimate voter even when you know that they are illegitimate, even to the extent that they allege they are the person who is checking them off the list. They still have to let them vote, and they can't challenge them.

□ 2000

That's how open these laws are. That's the kind of thing that you have promoted, the kind of thing that you won't defend, the kind of thing that I will yield to if you've got a defense for opening up and eroding the integrity of the vote in the United States.

And many of these are State laws, I recognize that, but we give direction and leadership. We have the HAVA Act, the Help America Vote Act, that opened it up even more. And I think the gentleman from New York, who

spoke within the last half hour—and I do agree on this. There should be a paper trail so we can audit the votes that are cast. Now, we've agreed on that. We've worked together on that cause. We have not arrived at that as far as a conclusion for this Congress is concerned that can be passed into law, but I think there should be a paper trail. And the gentleman from New York and I are in conceptual agreement on that, Mr. HOLT. I appreciate that push. I do think it's out of the right spirit of his head and his heart, but it might also be from suspicion that the people that produce the electronic voting machines—they may be Republicans, they may be Democrats, and that seems to color our judgment. Mine is. Don't give anybody a chance to cheat. And don't let the electronic voting machines be offered in such a way that some programmer can jigger the machine to give an advantage to either party.

I think of the election situation that took place in Florida in the year 2000. I spent 37 days focusing on that. I was the chairman of the Iowa State Senate State Government Committee. It was my job to see to it that Iowa didn't become a Florida, the fiasco in Florida. So, therefore, I chased all the way through the Internet, everything that I could find, all the research that I could come up with on the election processes State by State, 37 days of focus. And then after that, not quite as focused, but I followed through on legislation which passed the Iowa Senate, and I discovered a significant amount of election fraud in this country. This is in the year 2000, well before the American public had heard of ACORN. I found, I believed, a significant amount of election fraud.

There were a pair of brothers in Florida that had done research on election fraud in Florida, the Collier brothers, both of them now passed away. They've written a book on this and did a video on it, as I recall. And part of that video was walking into the maintenance shop where they took care of the machines that counted the punch-card ballots, the notorious punch-card ballots that were prevalent in Florida in the year 2000. And they have the video of the former election commissioner, who had retired from that and handed it over of course to his successor and gone to work maintaining the vote-counting machines, the machines that you would feed in a stack of punch-card ballots and it would run through, and the machine would read it and it would spit the number out the other side. And on that video—and it was available at the time. I don't know if it's available now. The man walked through his shop and pulled out of the drawer a gear. And he said, here's how we do this, we just grind one tooth off of this gear, and then every time 10 ballots go through it kicks an extra one in on our side. On videotape, there it was. And of course they got nervous afterwards and tried to do what they could to suppress it.

Those kinds of things have gone on in America. They have gone on in Florida. They've gone on in other States. And the people that advocate for or defend more open election laws and process are, whether they realize it or not, enabling election fraud in this country. I want it to be as clean as possible, as legitimate as possible. I don't want a single qualified vote to be canceled out by an unqualified vote, let alone one that's designed to be fraudulent. I don't want buses going across State lines loaded with people that are in there to do same-day registration to vote and disappear.

We had voters in Iowa that registered from a hotel room where the campaign had out-of-State workers. People don't live in hotels in these kinds of neighborhoods. It may happen in the inner city. It doesn't happen in a hotel in the neighborhoods I'm talking about in Iowa. These are people that come and stay a couple days, or 4 or 5 days, maybe a week, and they're gone again. These are folks that have a home of their own. It isn't a residence. When you register to vote from a hotel, where they didn't have a single guest that stayed longer than 2 weeks in the last year, we're pretty sure that if that's the hotel where they put their campaign workers that came from out of State, it's a pretty good bet that those votes that were registered in that hotel are votes from people that are not legitimate to vote within that precinct, within that district, or probably, in almost each of those cases, within the State.

Here's another one, the statement made by the gentleman from Texas: If you have no Texas driver's license, you have to get someone to take you to the polls. Well, is that person a recluse? Don't they have an opportunity for an absentee ballot? Do they ever go to town, for example? And if they do, can't they time their trip to the grocery store to go on election day and vote?

And the concern about the primary part of this, yes, I think there are some fraudulent primaries that take place, and there are some that are stacked up that I'd like them revisited. I'd like to see the Granite State revisit their primary process that lets people go to the polls and vote and—say the Democrats go to the polls and vote in the Republican primary. We in Iowa have a caucus system for our President, and there we require that they be registered either as Democrats or Republicans. They have to pick one or the other. And they don't get to switch sides that easily, although it is possible in the State of Iowa.

But here's what needs to happen in this country. We need to have voter registration lists that are free of duplicates, free of the deceased, and free of felons where the law applies. And they need to be certified to be citizens, not a motor-voter law that people go in that don't speak English, that get their driver's license and then they ask them a question, check this box, check that box. If they don't understand English, they don't know what they're saying yes to. They don't realize that they are under penalty of perjury if they claim to be a citizen and they are not. And so they will say yes; they get the nod; now they're registered to vote. Now a noncitizen—quite often illegal—is in a position to cast a ballot.

And we saw 537 votes be the difference in the State of Florida in the year 2000 on who would be the President of the United States; the Commander in Chief and the leader of the free world decided by 537 votes in the State of Florida. Now, every time they recounted those votes in Florida, I think that Republicans on this side and Democrats on this side will agree that it came back to that same number. And if you've got some other narrative, again, I'll yield to you, you can tell me what your narrative is. But the consensus now, after all this analysis, is we've got a legitimate vote there. George Bush was not the appointed President; he was the elected President. But it was very, very close in the year 2000 and it did pivot on Florida. But how far apart would that election have been if one could actually know which of the votes were fraudulent and which were not?

The last time I came to the floor I heard the minority whip come to the floor and make the statement that we didn't have evidence—again, as we've heard from the gentleman from Texas—no demonstrable evidence that fraud is occurring. And the gentleman from Maryland's statement was close to that, although not exact. I'd argue the opposite. We have ACORN—ACORN that admitted to more than 400,000 fraudulent voter registrations, more than 400,000 confessed-to fraudulent registrations.

This is the acorn that I carry in my pocket, Mr. Speaker. I carry it in my pocket every day to remind me what happens to this country if we let organizations like ACORN or advocates that seek to diminish the integrity of the vote take over. If they do that, then they erode the faith of the American people in the election. You can have fraudulent elections, but as long as we believe that they're legitimate, the American people are going to accept the results because we do have great faith in this constitutional Republic, which is guaranteed to us from Article IV, Section 4 of the Constitution, by the way, shall guarantee a republican form of government.

But this country respects the election process, and that's why we accept the results of the election process. And if we lose faith in the election process, legitimate or not, then the very bedrock that the foundation of our country—the Constitution—sets on crumbles and the Constitution itself crumbles, and we crumble into some form of anarchy because we will have lost our integrity in our election process.

Now, is it too much to ask that if someone goes to the polls that they

would bring with them a picture ID? I wonder if any of those folks have ever gotten on an airplane or if they've ever gone to rent a movie and they're asked for an identification to support their credit card when they rent a movie. That's not too much to ask. I've never heard anyone come to this Congress and say: I demand my civil liberties. I demand that I be able to rent a movie without any identification, without any credit card. Why can't we just do that on my word? I'll walk in and sign this paper that says, I'm Joe Blow and I live at 100 Exotic Avenue and I want to rent an exotic movie, and I don't want to have to have identification to do that. We've never had anybody ask for that this Congress. They know they don't have a civil right to do business in this country without identification.

□ 2010

If the merchant requires that identification, they willingly supply it. And yet to choose the next leader in the free world, the Commander-in-Chief, the President of the United States, the advocates that have stood on the floor have said to the effect of, anybody that walks up there and attests that they are a living, breathing human being and that they live somewhere, they can vote and they can register on the spot, and they can vote and they can walk away not showing any identification whatsoever. And in some cases it just takes someone to attest to that they are the individual that they say they are.

So they don't really even need to misrepresent themselves. They can walk up and say, I'm Joe Blow, I want to vote here, and I live in this precinct. They sometimes will lie about where they live, but they can actually say who they are. And then they can walk to the next precinct and say, I'm Joe M. Blow, and then I'm Joe N. Blow at the next precinct and O. Blow and P, Q, R, right on down the line. They could put a number in for their middle name and vote in 99 counties in the State of Iowa, and they can do it in many of the other States as well.

We do not have the integrity in our election process that we need. I know that it's being gamed. I also know that we're not getting the convictions and the prosecutions because we don't have the structure in place even to get those convictions because we've eroded the integrity to the point where there's not a basis there to bring that kind of a prosecution.

But then we watch George Soros invest in the campaigns of multiple secretaries of state across the country. And where was it? Swing States. And what happened in those close elections where George Soros was a campaign contributor?

We know what happened. Those real close elections, in the last minute votes showed up that were surprises, and the election turned. We have at least one Senator down the aisle in my neighborhood that arrived in that fashion, Mr. Speaker.

And so I am disturbed about the results of these elections if they do not reflect the actual will of the American people, the actual will of the people within the jurisdiction that should be voting for those candidates; and I believe we need to enhance the integrity of the ballot.

I would shorten the terms that a person could be asking for an absentee ballot, and I would tighten the conditions and so that if it's reasonable for you to vote in person on election day, do so. These elections should not be a drawn out, 45- or 90-day absentee ballot affair. The more we do the absentee ballots, the more we cast our ballots from afar, the more likely it is we're voting for a candidate who's passed away during the campaign, and the less likely it is we will know all the things we need to know to make a reasoned judgment about that candidate.

In fact, at spots we have elected a United States Senator who was, who had passed away in a tragic plane accident. And I regret that that happened, but the people went to the polls and voted to elect that person who was passed away.

I'm for a voter registration system that's free of duplicates, deceased and, where the law applies, felons. I'm for a picture ID, a government-issued picture ID that has legitimacy, and I'm opposed to motor voter. I'm opposed to satellite voting, and I'm opposed to same-day registration.

And all of these components of the election process, I add to that again, there needs to be a paper trail for the ballots. Let's have integrity. Let's have a certification that they be citizens from the secretaries of state of each of the States. And then, if we don't have enough integrity in our ballots, something's got to happen where we crunch the databases of the voter registration against those of the other States to find out how many duplicates there really are. And there would be many.

So I have less faith in this than most of the American public does; and if they had the exposure to what I've had the exposure to, I would submit, Mr. Speaker, that there wouldn't be the confidence in this election process that the American public has; and that lack of confidence might result in a different kind of a result here within this Congress and within the States. I think that they would impose more integrity in the ballot process.

And so I didn't come here to speak about that. I listened to the gentlelady and the gentleman that spoke in the previous period and felt that I had to express the other viewpoint. I actually came here, Mr. Speaker, to talk about how we transform this economy here in the United States.

And being from Iowa, I've listened to the economic proposals of each of the Presidential candidates. I listened to them make their pitch for their vision for America. And I said last January, February, March and on throughout the summer, clear into August, at least, that we don't have a Presidential candidate on the Republican side of the aisle that's put together an economic recovery plan. Yes, they have pieces. Yes, they have components, and they do tweak it around the edges, and they'll argue that one piece or another is what it takes to bring our economy back around to where it belongs.

Well, I've watched this economy devolve downward, and it has. It's a deep trough. But worse than the deep trough is the length of this trough that we're in. And it is an economic fact that if you look at the patterns of economic growth and decline throughout the history of the free market world, one will see that whenever there has been a Keynesian economic theory applied, the more vigor with which it is applied, the longer is the trough for a recovery.

If one will look at the grandest experiment of Keynesian economics we had seen up till this point it was Franklin Delano Roosevelt's new deal that he unleashed on the American people, starting at the beginning of his term. The Stock Market crashed in October of 1929, and we saw Herbert Hoover caught up in the throes of that climactic shift economically that was a global trend.

Herbert Hoover had—everything he'd touched had turned to gold up to that point. He believed that he could steer government to solve the problem. Well, he went to work to try to steer government, and it went the other way on him.

Cool Cal Coolidge had a pretty good handle on it earlier, in the previous century, and that was: Don't just stand there, do nothing, because the free market system will recover itself.

Well, instead we had Smoot-Hawley; we had trade protectionism. We had then the New Deal that flowed out of Franklin Delano Roosevelt. We had billions of dollars that ultimately were spent throughout that period of time, at least in today's dollars. And the CCC camps, the WPA programs, the TVA, the list went on and on and on that came out of Roosevelt. Throw another plan at it, throw some more money at it, borrow some money, grow the Federal Government and put money into the hands of people. And if you do that, the theory was, according to John Maynard Keynes, who was the most influential economist of his time, and his curse lingers on us in this Congress today, that if you would get money into the hands of people, they would spend it and that would stimulate the economy and the economy would recover. In other words, we could spend ourselves into prosperity, according to John Maynard Keynes.

Now, Franklin Delano Roosevelt bought into the Keynesian economic theory with more vigor than George W. Bush bought into the Henry Paulson stimulus plan, or should I say the TARP plan. $700 billion tossed in there to pick up toxic debt was the plan. But back in the thirties it was FDR's plan

to follow Keynes' directive, which was put money into the hands of people and get them to spend and you'll stimulate the economy, because they believed that our economy was consumer-driven.

Well, Mr. Speaker, every Keynesian experiment that I know of in history, and that includes Roosevelt's New Deal, it includes the Japanese, and it absolutely includes Barack Obama's economic stimulus plan, plans his approach to this.

And by the way, the President, President Obama has told us directly, face-to-face, that he believes that Roosevelt lost his nerve; that he should have spent a lot more money in the thirties; that because he lost his nerve and didn't spend more it brought about a recession within a depression, and unemployment went up because Roosevelt didn't borrow and spend enough government money.

Well, I know what it's like to compete with a government that has more money than the private sector has. I know what it's like to try to hire somebody off of unemployment. I know what it's like to train employees, put them on a benefits plan, and have them finally in a place where they can be a full-time employee that can yield a return on the work that they're doing and you can count on them being to work every day, and look at how their career is laid out working for your company, and have the Federal Government or the State government, or the county government, or even the city government come in and outbid you for those services.

And how do they do that?

Well, they do that by looking around and thinking, here's this trained employee. What's it take to get them? And they will up the ante until they can hire this trained employee, and inevitably that employee will take the offer of the higher paycheck and a benefits package that competes or exceeds the one that you can offer from the private sector and go to work for the government where they don't have the responsibility, where they don't have to work as hard, where the hours are more predictable, where the risk of employment is less and it's more stable.

I recognize that. But better wages and better benefits and all of those comforts that come with a government job work against the private sector.

□ 2020

And so private sector employers then find themselves faced with having to go out and hire more help and train more help and see that those employees roll over into the government employment.

The real downside, though, is this. Where does the government come up with the money to pay more wages and pay better benefits, which they have been increasingly doing over the last generation? By raising taxes. The government raises taxes. It raises taxes to get the revenue to bid against the private sector. And then the government comes out and makes an offer that says we're going to extend unemployment benefits out to 99 weeks.

Now, it makes it harder yet for the private sector to recover because they're competing with the government's offer, the government's offer to hire employees away or the government's offer to pay people not to work. And where does that money come from? This Federal Government borrows it.

This Federal Government borrows it. It borrows it from the Chinese, borrows it from the Saudis, borrows it from multiple countries around the world. And about 50 percent of it, to be fair, comes from investors within the United States domestic funds that are invested into U.S. Treasury bills, for example.

So a government that believes that it can stimulate an economy by stimulating consumption and completely ignores the part of the equation that requires that there be production for the economy to function. And I would point out that if no one is producing any food, clothing, or shelter, if no one is producing any transportation links out there in the private sector, if no one is making available any of the recreational facilities that will attract those dollars, there's not production. If there's not production, there's no place for anyone to spend their money.

This economy is production-driven, not consumption-driven. And we must, to grow out of this economic situation that we're in, we must produce goods and services that have a marketable valuable, both domestically and abroad. When we do that, and we will eventually do that, this country will grow out of this problem that we are in.

But we must get government off of our back. We must keep a competitive tax rate for the rest of the world. We must reduce our regulations. We must stimulate our entrepreneurs.

And this Republican side of the aisle has now for about 3 years been saying, Where are the jobs? Mr. President, where are the jobs?

Well, I've heard that echo many times in this Chamber and across through the media outlets in the country.

But I would submit that there is something else out there that's required before there will be any jobs, and that's the prospect of profit. Investors, employers, entrepreneurs must have a prospect for profit before they will invest their money or put their time in or take the risk of hiring employees, especially with ever more regulations, especially with ObamaCare pouring down over everything that we do. We are not going to get to a recovery until investors, entrepreneurs, and employers can see an opportunity for profit and begin to realize that profit because you can't write paychecks for employees from deficit spending very long. You must have profit in order to pay employees.

So if there's going to be jobs, and we want Americans to go to work, you must have profit in order to fund the wages. And I don't know why I don't hear that from anybody else. It's as if this word ''profit'' is a dirty word. No, it is a very good thing. America is a country that has to build itself on profit, on free enterprise, capitalism.

I just took a look in my desk drawer today. There are flash cards in there that were published in 2008. These are the flash cards that enable one to be trained for naturalization here in the United States. So if you want to become an American citizen, and you come to America legally, get yourself a green card, and what you do is you have to take the test. And part of that test is, what's the economic system? Free enterprise capitalism. That's on the test. It's a little head's up, Mr. President. I hope you could pass that test.

Mr. Speaker, I appreciate your attention, and I yield back the balance of my time.

UNITED STATES POSTAL SERVICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 30 minutes.

Mr. BLUMENAUER. I appreciate the opportunity to be here this evening sharing some observations.

It is, of course, always interesting to have shared the floor with my good friend from Iowa listening to his view of the universe, and even wincing a little bit as I hear him talk about the vilified public employees, where they don't have to work as hard and they get lots more money than the private sector.

It's interesting that most independent studies suggest that for many categories of public employees, they are not above the market. And it's sort of a fantasy land, I think, to have this disdain that was overwhelmingly rejected in Ohio when voters had a chance to put a stamp of approval on the fairly radical agenda of Governor Kasich, our former colleague here in the House of Representatives. Things, by the way, that Kasich and his fellow traveler, Governor Walker in Wisconsin, didn't talk about during the election.

But turning their guns on public employees, voters in Ohio had a chance to give their verdict. And it's interesting that they overwhelmingly repudiated this notion, the lack of value of public employees, the fact that they're slackers, laggards, and that what they do is not worthy of public support.

It wasn't the public health nurse, the firefighter, the teacher, the marine, the person in the Navy that almost wrecked the economy. Many of these people are providing essential services. They are extraordinarily hardworking, and I'm happy to invite my friend from

Iowa to come meet some very hard-working public employees in Iowa and in Portland, Oregon.

I think those generalizations are really very unfortunate. It's feeding what we see in terms of the back-and-forth now. It's actually why there are people who have been motivated by the Occupy Wall Street movement.

But I'm here tonight to deal with one very specific focus that I think needs some more attention, and that has to do with the Postal Service.

You know, this is one of the areas today where people are zeroing in. You will hear some talk of folks that would feel much better if we just privatize the Postal Service, get out of the business. Let the private sector provide this service to American households and commerce and we'll all be better off.

I think it's important for us to take a step back and look at some of the facts and look at some of the consequences.

You know, the United States Postal Service has a long and storied career. It's the second oldest Federal agency. In fact, the predecessor was actually created by the Continental Congress, and Ben Franklin was the Postmaster there just as he was America's first Postmaster.

The Postal Service is one of those activities that maybe some of my colleagues on the floor kind of overlooked when they had this great ceremony of reading the Constitution early in the session, and then proceed to act as though they really aren't paying attention to the Constitution.

Well, article I, section 8, explaining the Congress' powers, one of them specifically is to establish post offices and post roads.

This was one of the unique institutions that helped bring America together, and it is still bringing America together today. It is in fact a vast and sprawling enterprise. It employs more people than the entire auto industry in the United States, what we used to call the Big Three. It's the second largest nonmilitary employer in this country. It has more installations than Wal-Mart, Starbucks, and McDonald's put together, even though a number of them have been closed over the years.

There's a reason that we have made this investment for 235 years. There's a reason that there are hundreds of thousands of dedicated employees. There is a reason why we have the broad sweep, and that is this critical element of holding our country together.

It is a backbone of commerce. We talked today about the economy of the future. E-commerce is a large and growing area. It relies upon the Postal Service for much of its efficiency, and I will talk a little bit about that later.

□ 2030

It's also a tremendous resource for the American public. Before I get back to my home in Portland, I can drop my tax payment in the mail here in Washington, D.C., for 44 cents, with great confidence that that's going to arrive in a timely fashion and that my bill will be paid.

I think it's interesting to look at the large national direct mail marketing industry that involves advertising and shipping worth billions of dollars a year. Again, it is very important to a large number of Americans. In fact, some of my colleagues who would just turn the Postal Service over to provide this activity for the American public, like to UPS, like to FedEx, actually rely on the Postal Service for that last connection. There is actually an important partnership between these carriers and the Postal Service.

Now, there is no doubt that if we completely privatized, turned it over, got it out of the way that there would be some people who would benefit. People who live in very large cities and people who are big businesses that can negotiate certain types of services may actually see a little bit of rate reduction, and they may be able to tailor the service to their needs. For them, the free market may provide a modest benefit—maybe—but the more important question is:

What would happen for the rest of America, the other 99 percent, particularly rural and small town America?

Does anybody think that you would be able to send a letter from the Florida Keys to Nome, Alaska, for 44 cents if, all of a sudden, government weren't there providing that universal service? A mandate?

I don't think so.

We would also lose the personal touch that is cherished by so many. We are hearing the outcries now. I hear it in Oregon where there are dozens of communities that are being considered to lose their postal service. Every rural and small town American community will feel that bite—higher costs, less service, loss of jobs, loss of community identity, loss of connectivity.

I would urge some of my colleagues to take the time to listen to rural postmasters and letter carriers about the role that they play in these far-flung parts of America. They are an important part of the local economy. It is a place where community members gather. There are opportunities for them to be in touch with loved ones and to be in touch via the magic of e-commerce. They have far more choices and opportunities.

Before we jettison that element, I think it is important to consider how important that is to our national infrastructure—and that's what it is. It is not just, arguably, the largest source of nonmilitary, family-wage jobs in America. I don't think Walmart is necessarily the criterion that most people want for family-wage jobs, for health care and retirement benefits. There was a time when that's what most people in the middle class, if not took for granted, at least aspired to, and most of us growing up in post World War II America saw that. Even people with limited education who were willing to work hard and be able to follow through, they had that. Well, more and more the norm is that that is unusual.

I hope that we don't reach the point where we lower the standard. Two-thirds of a million family-wage jobs with decent retirement security, with decent benefits, with people who are providing an essential service is important, but it's the infrastructure that ties America together that, I think, is even more important.

Now, there are many things that are involved with the Postal Service that are hidden away that people simply don't pay any attention to.

In part, I guess I would just reference the exemplary service that is provided by most postal employees. In fact, I know a number of postal employees who are highly regarded by the people on their routes—they are recognized on their birthdays; they get Christmas presents; people look forward to them; they rely on the service; they appreciate it. Postal employees are involved with a wide range of activities in terms of helping people with their income tax reforms, food drives, checking on housebound friends and neighbors. When something is amiss, it's often a postal employee who understands it first.

I think it is important that we take a deep breath and look at the service that's provided, that we look at what difference it makes for America, that we look at what it means as an example of where we're going as a country.

I think one of the items that should be acknowledged is that this so-called crisis that we are facing is much like the summer's debt ceiling crisis in that it's manufactured—in the same way that we were always going to pay the debts that the United States had already incurred. But some people were raising doubts. They created a political firestorm. It encouraged the downgrade in the eyes of some, in one rating agency, of the United States debt. We were, in fact, going to pay our bills, but it is possible to manufacture a crisis.

The post office is facing a continuation of a theme that has plagued its existence ever since Washington decided to trap the United States Postal Service between being a business and government control—business demands, government control. Back when the Postal Service ceased being a formal government agency, there were certain conditions that were negotiated because, for years, the post office was a government agency. The public benefit that was recognized was taken into account. There is no question that the post office provided subsidized mail service.

Some people remember the 3-cent stamp. Some people remember—I guess there aren't many people who remember now—that the Postal Service helped launch the aviation industry in this country in 1918 when airmail service began between New York City and Washington, D.C. The post office was a

part of helping create that part of our infrastructure. The post office helped with the development of the transcontinental railroad service that served cities large and small. There was a synergy that was involved there.

Then, in 1970, the Postal Reorganization Act changed the post office from being a department of the Federal Government to being an independent agency. It created a board of governors. It authorized the Postal Service to borrow from the public, and it phased out the government appropriation for operations. By 1982, that public benefit, that national connection, was entirely eliminated. There are also other items that were involved with that negotiation. At the time, there were hundreds of thousands of employees, past and current, who were part of a Federal employee retirement system and its successor system that followed on in the eighties.

□ 2040

Their retirement was a responsibility of the Federal Government. It had been a responsibility for the Federal Government for over 180 years.

Well, there were negotiations at that time about how much the Postal Service would have to pick up in terms of that liability, even though it was a longstanding responsibility of the Federal Government and the way the post office operated. There was a very significant payment that the new post office paid into the old retirement systems by virtue of employees who were Federal employees.

Well, you could make the argument that you want to completely privatize it and cut it loose, but that was a longstanding Federal obligation. A deal was cut; a number was picked. And it was, I think, arguably a pretty generous deal on the part of the Federal Government, on the part of Congress in terms of what they were forcing the post office to pay.

It's not unlike what has happened more recently when the post office has been required—unlike other businesses or government agencies—to prefund health payments for future employees. Tens of billions of dollars have been extracted from the Postal Service and current operations to deal with something that's going to be far in the future, something that, again, as I say, the Federal Government doesn't do; private employers don't do.

You can argue about how everybody would be better off if that happened, but it is an example of creating an artificial crisis. And these tens of billions of dollars that were extracted in the early deal or the tens of billions of dollars that are now flowing because of the 2006 act have destabilized the Postal Service at a time when it's clear that the Postal Service, itself, is stressed.

Revenues have dropped for a variety of reasons. In part, there's E-commerce. There are a number of things that we routinely now email that we would have mailed even a couple of years ago. And, of course, with the bubble bursting in the economy, its near meltdown, we have seen economic activity decline. So the post office has faced some $20 billion in lost revenue over the last 4 years; and it's something that, in fact, needs to be addressed.

But we ought to understand what the dynamic is, that by forcing the post office to prefund its future health care payment benefits for the next 75 years in an astonishing 10-year time frame was something that was calculated to stress the Postal Service, even if the economy hadn't collapsed. You know, without the provisions of that 2006 legislation, the Postal Service would be operating at a surplus, even with the challenges today.

Well, there are interesting pieces of legislation that are floating around. I must confess, I am a little partial to looking at some of the proposals that are coming forward that would help take the post office off life support and allow us to move on to addressing these larger issues. There are certain variations that Congress could have dealt with in the past, policy questions. Should it cost the same to mail a letter from here to the White House as it does from Key West to Nome, Alaska? Can we have some variability in pricing? That is a legitimate question. There may be some arguments for doing that.

But the Congress over the years has hamstrung the post office, on one hand arguing that it should not have public support, it should operate like a business; and then turning around and denying the Postal Service the flexibility that private business has in terms of setting rates, differential rates.

In terms of moving into certain product lines, in an enterprise that we value that has this vast infrastructure that is in place, hundreds of thousands of dedicated employees, over 30,000 locations, a tradition of service, and connectivity to America 6 days a week, we would think maybe give them a little opportunity to be creative. Well, what we have found is that there is very little interest in allowing them to actually operate like a business.

I do hope that my colleagues, as they look at the reform proposals that are coming forward and look at whether or not we're going to give them some flexibility to use the resources they already have and not penalize them with draconian and unrealistic requirements, take a look at what these proposals' impact will have on rural and small-town America. You know, not everybody has access to high-speed Internet that make email and reading your favorite magazine online very difficult. There are 26.2 million Americans that still lack access to broadband services, with over three-quarters of those people living in rural areas.

I mentioned that in my State of Oregon, there are over 40 post offices that are listed for possible closure. People should think about those impacts. Over half of the people in these communities are located more than 10 miles from the next nearest post office; some are as far as 33 miles away. What are the impacts of having customers drive an hour round trip to visit the nearest post office? Is that reasonable? It's a little frustrating for me that, as we have looked at some of these impacts, the attention that is paid to rural and small-town America has not been, I think, given its due.

One of the areas is the proposal of eliminating 6-day service. Let's consider how important Saturday mail delivery is for communication, marketing, and mailers, utilized by millions of citizens across the country, again, especially in rural areas. There are millions of Americans now who are using the Postal Service to deliver prescription medications, a service that relies on moving the mail 6 days a week, not lying dormant in mail processing facilities for 2, 3 days or, depending on how holidays will fall, maybe longer. It will have negative impacts on people being able to sign for packages if they're not home during the week. Think about these details.

Think about what's going to happen if you eliminate Saturday delivery for the post office. Customers are likely to see private carriers charge much higher surcharges to have them deliver that option or drive long distances to pick up their mail after renting out a private post office box for that purpose. Saturday service distinguishes the product line that we allow the Postal Service to have and I think further diminishes their ability to be more self-supporting. Of course, eliminating the 6-day service is going to eliminate 80,000 middle class jobs.

And they do so with some real question about how much of the savings is actually going to occur. The Postal Regulatory Commission was set up as part of this mechanism to establish an independent post office. They do some outstanding work. There are some really bright people. The Regulatory Commission found that the Postal Service has miscalculated the potential savings by about $1.4 billion a year when they talk about eliminating 6-day service.

□ 2050

They found that the Postal Service additionally failed to account for nearly half a billion in lost revenue that would come from cutting back Saturday service. And as the president of Hallmark noted in a congressional hearing last year, such reductions in service could lead to a death spiral where service reductions and a declining consumer base are self-reinforcing.

The Postal Commission found that eliminating 1 day of mail service would cause 25 percent of all first class and priority mail to be delayed, often by 2 days. This has serious consequences that ought to be, I think, examined carefully before we move forward in this direction.

This is not to suggest, Mr. Speaker, that the post office should be immune. Like any business or government agency, we all, in these difficult times, in changing circumstances, need to consider new ways of doing business. And my conversations with people in the Postal Service, with men and women who work there, postal supervisors, letter carriers, the postmasters, they all have ideas. They all are interested in being part of a solution, and I hope that Congress approaches this in the same fashion.

Last but not least, part of this infrastructure that ties this together needs to be looked at in a broad context. We have all been deeply concerned about national security in the aftermath of 9/11, the anthrax situation we had here and potential pandemics where there are health crises—how are we going to deal with people quickly in times of need to get them information, to check on people, to distribute potential medicines? You know, the Postal Service with two-thirds of a million employees, a nationwide network of over 30 facilities, people who have equipment, who have know-how, knowledge of the community, the same way they help people with the right tax forms or immigration, could also be a resource in time of natural disaster, epidemic, or terrorism.

Let's think big. Let's think fairly. Let's not have an artificial crisis. Let's deal meaningfully with this critical resource that America has developed over the last 235 years, not scapegoat the employees, not scapegoat the management and have Congress be able to have it both ways, saying treat it like a business but not giving them the flexibility. I think it's time to take a deep breath, look at the resource and what it means for America, particularly rural and small town.

Thank you, Mr. Speaker, for the opportunity to share some observations on this important topic, and I yield back the balance of my time.

BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 30 minutes.

Mr. GOHMERT. Mr. Speaker, we are living in interesting times. As I understand it, that's a bit of a Chinese curse: May you live in interesting times. Well, we're here, not exactly as perhaps the Founders would have hoped, where we would have an executive branch that just declares, without consulting Congress, that he's going to commit American military to an action without knowing really who he's helping in Libya, without knowing exactly what's going to happen once we finish helping them, and without knowing just how much we're going to suffer and just how much our closest allies, like Israel, are going to suffer after this President unilaterally, without consulting Congress, commits our most valuable asset, American lives, not to mention the Treasury and American equipment.

For those who have ears and those who have eyes, they understand that when the President says, Oh, but we're not to worry, eventually we'll turn it over to NATO, and then has a grandiose announcement we're turning it over to NATO, that actually the United States military is 65 percent of NATO's military, because there's supposed to be a regular order to things. And, in fact, Republicans ran last year saying we're going to get back to regular order. One of the things we went through for the preceding 4 years with the Democratic majority and Speaker PELOSI in charge was the Democratic majority came to the House floor over and over with bills that had not gone through committee process, and then they were brought to the floor with no opportunity to make any amendments whatsoever.

Well, one of the things we have done this year, we've had lots of amendments. We've had an incredibly open process on the floor compared to what had happened the preceding 4 years when there were more closed rules than there had been in the history of the country, meaning no input, basically shutting out almost half of America that Republicans represented. It was ''our way and no highway.'' That's not the way regular order was supposed to go.

And we were assured by our own leadership, of course, that, once we had the majority, it was back to regular order. And then over and over, big things had to be dealt with. Not that they couldn't have been foreseen. It could be reasonably foreseen that a continuing resolution was going to have to occur. And lo and behold, it came upon us in the spring as if it had never been contemplated, and we were told there was no time for regular order on these things. We just have to do it. Can't have amendments. Can't cut off funding for ObamaCare even though we cut off funding for some other things that otherwise would be considered legislating; but since it was part of the bill as it came directly from committee, we were told it was okay. So the Rules Committee waived any point of order objections. Now, that's inside baseball; but the bottom line is, even though we have done a better job of allowing amendments here on the floor, we still haven't gotten back to regular order. We have gone from one crisis to another crisis and have had to tell America, gee, this is another crisis so we don't have time to go through regular order.

As I understand it, tomorrow most likely, possibly Friday, we're going to have a balanced budget amendment brought to the floor. It was part of the debt ceiling agreement that was negotiated the end of July, the end of the summer session before the August recess. We were going to have a vote on a balanced budget amendment, but there was no specification as to what balanced budget amendment it would be.

Well, along the lines of the so-called regular order, we have had a balanced budget amendment. We've had hearings on it. We've had it marked up out of subcommittee, committee, and it came to the full Judiciary Committee and we had a long, protracted markup. In other words, markup is simply the hearing where anybody can bring any amendment and we have debate, full debate, and anybody on the committee who has any amendment they want to bring to that bill, they can bring it to the bill. That's regular order. We had that in committee on the balanced budget amendment. And our good friend from Virginia who has been such a long-suffering valiant warrior for a balanced budget amendment, it was his bill, House Joint Resolution 1.

□ 2100

I had an amendment to that resolution that actually changed the cap on spending from 20 percent of gross domestic product to a cap of 18 percent of the gross domestic product, and that amendment passed.

That's regular order. That's how you do it. Some of us had amendments that didn't get passed, but we still had the chance to bring them to speak on them, debate on them, have every other Member on the committee who wished to speak on every amendment be heard. Those things make for long, drawn-out hearings, and that's what we had. That's called regular order. That's because everybody who is involved can have input. And that's what we had.

After that long, protracted process, we voted out of committee, affirmatively bringing out of committee, voting out of committee with a majority of those on the committee voting for the ultimate product. After that long, arduous debate and voting process, we voted out of committee a balanced budget amendment.

Now I'm given to understand the Rules Committee has taken up a different balanced budget amendment, and we're told we didn't need to go through regular order for that. We're bringing a balanced budget amendment that did not come out of committee and that was not voted out of committee.

And, gee whiz, it reminds me a great deal of the outlandish hearings that the Energy and Commerce Committee had when they came forth with a 1,000-page health care bill in the last Congress. And there was a lot of strong-handedness that brought that bill out of committee, and it was clear from the polls that that was not what America wanted. But, then, by the time Speaker PELOSI, Leader REID down the Hall, and President Obama had their say, that 1,000-page bill that was voted out of committee turned into, ultimately, a 2,000-page bill.

And that came to the floor not under regular order, because it just appeared.

Nobody knew who had written it. But when we took the majority, we were going to do better. America would be able to see the debates, listen to the debates, see who was taking what position, see who was pushing what amendments, see what got voted out of committee and would have some confidence that that would be what would come to the floor.

Well, this week we're going to take up a balanced budget amendment that didn't come out of committee, but we're told we've got to vote for it because it's another crisis. We've got to. It doesn't have a spending cap on it, not even the 20 percent of GDP that was amended down to 18 percent—none of that. Regular order would mean that we bring something to the floor that was voted out of committee.

At some point, we have got to get back to regular order which was promised to the American people if they would put us back in charge. And it's good politically for both parties because each side gets to show in committee and here on the floor what amendments they're pushing for. They pushed for them in committee and pushed for them here on the floor. So by the time a law gets passed, it's been fully debated and talked about.

That was one of the problems with the last majority. They were shoving bills down our throats, down America's throats, without any real debate. And that's how you could get a comment from a Speaker like, gee, we've got to pass the bill to find out what's in it. That's because it never went through a subcommittee process, a committee process, came to the floor without full and open amendment debates. No, we just bypassed all that.

And one of the things that has hurt this country and has hurt this Congress is we haven't gotten back to regular order like we were supposed to. We've done a lot better, a whole lot better, because of all the amendment debate. But we haven't gotten back to regular order.

So we're going to bring a balanced budget amendment to the floor that's different from the one that was fully debated, have a full opportunity for amendment at committee; but we're not going to have that opportunity on the floor. No, sir, not going to have it. We're told we can't have a spending cap in the one we're going to have on the floor. Why? Well, not because the committee voted it down—they didn't; not because the body voted not to have it here in Congress, but because we're told that what came out of committee cannot be what comes to the floor.

I recall people previously saying that regular order makes for better law and allows the House to work its will. Well, how is it that we're not going to be taking up the balanced budget amendment that came out of committee? That's regular order. That's the House working its will. What staff member decided that we weren't going to get to have a spending cap that we could debate and vote on?

We know that staff members had a lot to do with ObamaCare, or the President's health care bill, because there's a provision in there that exempted the Speaker's staff from having to be under ObamaCare when all the rest of us were going to have to be under it, including Members. So you kind of figure they must have staff writing that one.

Well, what staff member decided that we couldn't bring to the floor the balanced budget amendment that came through regular order out of committee? That balanced budget amendment was fully debated, a full opportunity to amend in committee, but regular order means we would have that same opportunity with the whole body here. Well, who was it, a staff member? Who was it that just decided we can't do what the body decided was the will of the committee and the will of the House? Who intervened? I really don't know.

The right thing to do would be to bring the balanced budget amendment with the spending cap. Now, there were all kinds of amendments addressing the spending cap. Some folks didn't want it. They lost. There was the provision for a supermajority to raise taxes on that bill that was voted out of committee. Well, that's not in the balanced budget amendment. Why? I don't know why. We're told we're bringing to the floor a balanced budget amendment that appeared, and we didn't have anything to do with bringing it out of committee. We were told that we've got to pass this one because it's the only one that has a chance to pass, even though the Senate says they're going to bring it down, even though we've got Democratic leadership saying they're going to bring it down.

If people on the other side of the aisle in the House and the majority in the Senate say they're going to bring it down, then why aren't we bringing to the floor a balanced budget amendment that a majority voted for and debated and amended and voted down amendments and passed it out to come to the floor in that order?

How is it that we're trying, once again, in the House, as a majority, to strive to pass a bill to hit a mark that we think maybe there might be some chance that the Senate may pass as well, when we're told that it's not everything we believe in, but we're not going to get everything we believe in because we're going to try to do something the Senate will do?

□ 2110

Well, if we've been told repeatedly that the Democrats are not going to assist, that the Senate is going to vote it down, then why not bring to this floor what we believe in our hearts as a majority ought to be passed?

It's going to make it real confusing a year from now in November for voters when the Republican majority in the House is going to have to go back, as the Founders envisioned, and face our constituents, and even though we were in the majority, we didn't bring to the floor the things that we believed in; we brought to the floor things we were hoping maybe the Senate would agree to go along with.

We're bringing to the floor what's called a minibus that's going to have some appropriations in it, but actually, it went through the conference process. Yet the underlying bill that passed out of the House was not a bill that a majority in the House really thought would be the best; it was a bill that we thought maybe the Senate would pass. So we compromised with ourselves in the majority in the House, thinking if we compromised with ourselves in the House that maybe the Senate would vote through just what we passed. But no, they didn't; they compromised with us further after we compromised with ourselves trying to hit the mark that we thought they would pass.

So it goes to conference committee and we're further required to compromise with ourselves. What was the sense of that? And now we have to vote on a bill, an appropriations bill where we didn't even start out hitting the mark we thought was best, but, rather, hitting the mark that we thought, gee, maybe the Senate would pass? It's going to be confusing to voters because we're going to say, Here are the things we believe in, next year in November, and they're going to say, Why didn't you pass that? And apparently the response is supposed to be, Well, because we were trying to pass something we thought the Senate would pass. And the voters are going to respond, Well, what about the principle you told us in November of 2010 you were going to stand on?

And unless we get back to the regular order in this body, we're going to be in trouble, because we need to be able to show the voters in America we passed in the House what we believed with all our hearts was best for America. We were going to cut spending, so we cut spending. We cut over $4 trillion over 10 years. We ought to be able to tell the American public that, but instead we have to tell them, Well, no, we were trying to hit a mark that wasn't too high because we were hoping the Senate would just pass it without the need for a conference. That's why it will be confusing to voters, Well, I know you're saying that you believed in those things, but that's not what you passed.

It's time to start passing what we as the majority in the House believe is right and force the Senate to pass what they think is right. The big giveaway spending bills, force them to pass those. Don't come down here and compromise with ourselves and have a spending bill that we think—even though it spends more than we think is appropriate—we think, gee, maybe the Senate will go along because that looks to the American public like we're just like the Democratic-controlled Senate. But if we stand firm on principle in this body and we say, Here's what we

believe in; here's what went through regular order; here's what was passed out of the Judiciary Committee; here's the balanced budget amendment, and we took it to the floor and we have wide open amendments, wide open debates, the American public could see this body at work, and we would pass what we believe is right for America and then force the Senate to pass what they believe is right for America and not continue to give the Democrat majority—who want to spend like crazy—in the Senate, we keep giving them cover because we won't stand on what we believe and pass that here in the House. That's what we ought to be doing.

And that balanced budget amendment ought to be the one that came out of the Judiciary Committee. It ought to have a spending cap. It ought to have a supermajority in order to raise taxes. That was on that bill. Oh, it was debated. There were efforts to strike that part out. There were a lot of amendments—some to strike things like that out, some to put other things in, some to make it weak. But we fought those off successfully in committee and we came out of committee with a good, strong balanced budget amendment, and that's what ought to come to the floor, not the weak-kneed one we're going to get. Because a balanced budget amendment with no cap on spending unfortunately looks like a prescription for spiraling-upward taxes; because we've seen even with a conservative majority in the House, it's just tough to cut spending because we're told we've got to spend to get the Senate to go along with these bills.

It's time to take the tough stands. America's in trouble. It's in big trouble. And as we fight these battles, it doesn't help to have people jumping on a bandwagon that really wasn't the bandwagon they showed themselves to really believe in previously. And by that, I'm talking about Secretary Panetta, Secretary of Defense. He wrote this scathing letter talking about how if the sequestration occurs, hundreds of billions are cut from defense, it could mean the loss of—I believe it was a couple hundred million of our military, which is a little ironic coming from the current Secretary of Defense, because the people on this side of the aisle believe in a strong defense. We all believe that it is our number one job to provide for the common defense, because if we don't do that, all these other things just go away and we're overtaken by people that want to bring down our way of life.

But if you look to what Secretary Panetta was participating in back in the Clinton administration, you get a little better look at what really was believed at the time. You know, we've had President Clinton and those touting his time as President claiming, gee, he's the one President that actually cut the Federal workforce. No, he didn't. He cut the military. He didn't cut the Federal workforce. He cut the military. That's the only area he cut. And we paid a massive price after 9/11 because we had to gear back up because we once again found having a strong defense is important. Reagan tried to warn us about that. He said people don't get attacked because they're perceived as being too strong. They get attacked when people perceive them as being weak. And that's how we were perceived.

But let's see, in January of 1993, when now-Secretary of Defense Panetta started as a part of the Clinton administration, there were 1,761,481 members of the United States military. In July of 1994, Secretary Panetta started as the Chief of Staff for President Clinton, and that continued through January of 1997. So let's take a look. From the time Secretary Panetta started as a part of the Clinton administration, we went from 1,761,481 members of the military to, in January of '97 when he left the Clinton administration, 1,457,413 members. That's a 304,068 drop in members of the military while he was part of the Clinton administration. Seems to fall a little bit on deaf ears when you have a Secretary crying about cuts to the military when he presided over a far more draconian cut to that same military when he was in charge or was part of the Clinton administration.

□ 2120

The problem is, we can't afford massive cuts to our defense. And at the very time they're okay with that, the President goes down to Australia and says we're going to commit some troops down here too. We've got troops this President's committing all over the place, without any regard, like in Libya or Egypt, to the outcome of what is being done, what's going to happen at the end. And we're going to pay a severe price.

We need to stand for a solid defense. And if we get back to a regular order in this body, where things are voted out of subcommittee, after full chance to amend, voted out of the full committee, with full chance to amend and debate, brought to the floor as they come out of committee, and fully debated, and fully amended here on the floor, America will see who stands for what, and it will be easier for the voters in the next election, and it will be easier for all of us to tell what it is the American voters are wanting because they will have had a clear view of just exactly what they're getting.

I really enjoyed Mark Levin's book, Liberty and Tyranny. I think it ought to be a textbook. Let me just finish with this quote from Ronald Reagan that Mark puts in his book:

> How can limited government and fiscal restraint be equated with lack of compassion for the poor? How can a tax break that puts a little more money in the weekly paychecks of working people be seen as an attack on the needy? Since when do we in America believe that our society is made up of two diametrically opposed classes, one rich, one poor, both in a permanent state of conflict and neither able to get ahead except at the expense of the other? Since when do we in America accept the alien and discredited theory of social and class warfare? Since when do we in America endorse the politics of envy and division?

That's what the President's preaching right now. It needs to stop. It's time to provide for the common defense, get back to regular order in this body, and the country will be better off for it.

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

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on November 15, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 2447. To grant the congressional gold medal to the Montford Point Marines.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 17, 2011, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3869. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Bacteriophage of Clavibacter michiganensis subspecies michiganensis; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0538; FRL-8891-3] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3870. A letter from the Principal Deputy, Department of Defense, transmitting Report to Congress on Impact of Domestic Violence on Military Families, pursuant to Public Law 111-84, section 569 (123 Stat. 2315); to the Committee on Armed Services.

3871. A letter from the Principal Deputy, Department of Defense, transmitting a letter authorizing Brigadier General Scott M. Hanson, United States Air Force, to wear the insignia of the grade of major general; to the Committee on Armed Services.

3872. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2011-0002] [Internal Agency Docket No.: FEMA-8203] received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3873. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's final rule — TARP Conflicts of Interest (RIN: 1505-AC05) received November 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3874. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to various countries, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

3875. A letter from the NACIQI Executive Director, Department of Education, transmitting the annual report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2011, pursuant to 20 U.S.C. 1145(e); to the Committee on Education and the Workforce.

3876. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Compliance Date Regarding the Test Procedures for Walk-In Coolers and Freezers and the Certification for Metal Halide Lamp Ballasts and Fixtures [Docket No.: EERE-2011-BT-CE-0050] (RIN: 1904-AC58) received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3877. A letter from the Secretary, Department of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 23), pursuant to 43 U.S.C. 1596; to the Committee on Natural Resources.

3878. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Iowa; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revision [EPA-R07-OAR-2011-0470; FRL-9484-5] received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3879. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; South Coast; Attainment Plan for 1997 PM2.5 Standards [EPA-R09-OAR-2009-0366; FRL-9482-9] received October 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuel and Fuel Additives: Alternative Test Method for Olefins in Gasoline [EPA-HQ-OAR-2008-0558; FRL-9482-1] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals; Third Group of Chemicals [EPA-HQ-OPPT-2009-0112; FRL-8885-5] (RIN: 2070-AJ86) received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; 2008 San Joaquin Valley PM2.5 Plan and 2007 State Strategy [EPA-R09-OAR-2010-0516; FRL-9482-2] received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3883. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-44, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3884. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final rule — Direct Investment Surveys: Alignment of Regulations With Current Practices [Docket No.: 110321207-1206-01] (RIN: 0691-AA78) received October 27, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3885. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 12-11 informing of an intent to sign the Project Arrangement; to the Committee on Foreign Affairs.

3886. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to Public Law 102-511, section 508(a); to the Committee on Foreign Affairs.

3887. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period June 1 through July 31, 2011 pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

3888. A letter from the Corporation Agent, Legion of Valor of the United States of America, Inc., transmitting a copy of the Legion's annual audit as of April 30, 2011, pursuant to 36 U.S.C. 1101(28) and 1103; to the Committee on the Judiciary.

3889. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a letter regarding the dredged material disposal for the Mid-Chesapeake Bay Island Ecosystem Restoration Project; to the Committee on Transportation and Infrastructure.

3890. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a recommendation for the authorization of the Cedar River, Cedar Rapids, Iowa flood risk reduction project; to the Committee on Transportation and Infrastructure.

3891. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Giannangeli Wedding Fireworks, Lake St. Clair, Harrison Township, MI [Docket No.: USCG-2011-0721] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3892. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Temporary Change of Dates for Recurring Marine Events in the Fifth Coast Guard District, Wrightsville Channel; Wrightsville Beach, NC [Docket No.: USCG-2011-0629] (RIN: 1625-AA08) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3893. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Corporate Party on Hornblower Yacht, San Francisco, CA [Docket No.: USCG-2011-0690] (RIN: 1625-AA00) received October 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3894. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, ''26th Annual Report of Accomplishments Under the Airport Improvement Program for Fiscal Year (FY) 2009''; to the Committee on Transportation and Infrastructure.

3895. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Oil Pollution Prevention; Spill Prevention, Control, and Countermeasure (SPCC) Rule-Compliance Date Amendment for Farms [EPA-HQ-OPA-2011-0838; FRL-9481-4] (RIN: 2050-AG59) received October 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3896. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amount for CY 2010 [CMS-8043-N] (RIN: 0938-AQ14) received November 3, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3897. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the second periodic Report to Congress on Infrastructure Needs in the Department of Energy's Aging Defense Nuclear Facilities; jointly to the Committees on Energy and Commerce and Armed Services.

3898. A letter from the Assistant Attorney General, Department of Justice, transmitting legislative proposals; jointly to the Committees on Veterans' Affairs, Financial Services, the Judiciary, and House Administration.

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. UPTON: Committee on Energy and Commerce. H.R. 2405. A bill to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes, with an amendment (Rept. 112–286). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 2937. A bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, with an amendment (Rept. 112–287, Pt. 1). Ordered to be printed.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 585. A bill to amend the Small Business Act to provide for the establishment and approval of small business concern size standards by the Chief Counsel for Advocacy of the Small Business Administration (Rept. 112–288). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with an amendment (Rept. 112–289, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAVES of Missouri: Committee on Small Business. H.R. 527. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with an amendment (Rept. 112–289, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Ms. FOXX: Committee on Rules. House Resolution 467. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes (Rept. 112–290). 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. LANKFORD (for himself, Mr. ISSA, Mr. KELLY, Mr. MEEHAN, and Mr. PIERLUISI):

H.R. 3433. A bill to amend title 31, United States Code, to provide transparency and require certain standards in the award of Federal grants, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MCCOLLUM (for herself and Mr. ELLISON):

H.R. 3434. A bill to authorize a replacement for the lift bridge in Stillwater, Minnesota with necessary taxpayer protection measures to promote fiscal responsibility; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Ms. BASS of California, Mr. BLUMENAUER, Mr. BRALEY of Iowa, Mr. BUTTERFIELD, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. DAVIS of Illinois, Ms. DELAURO, Ms. EDWARDS, Mr. ELLISON, Ms. ESHOO, Mr. FILNER, Mr. GRIJALVA, Ms. HAHN, Mr. JACKSON of Illinois, Ms. LEE of California, Ms. MATSUI, Mr. GEORGE MILLER of California, Ms. NORTON, Ms. PINGREE of Maine, Mr. RANGEL, Ms. RICHARDSON, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Ms. SUTTON, Mr. THOMPSON of California, Mr. TOWNS, Mr. WALZ of Minnesota, Ms. WOOLSEY, Mr. HONDA, Mr. HEINRICH, Mr. SCOTT of Virginia, Ms. WATERS, Mrs. MALONEY, Mrs. LOWEY, Ms. MOORE, Mr. GUTIERREZ, Mr. BACA, Mr. KUCINICH, Ms. DEGETTE, and Mr. ANDREWS):

H.R. 3435. A bill to amend title 10, United States Code, to improve the prevention of and response to sexual assault in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. DEFAZIO (for himself, Mr. SCHRADER, and Mr. BLUMENAUER):

H.R. 3436. A bill to expand the Wild Rogue Wilderness Area in the State of Oregon, to make additional wild and scenic river designations in the Rogue River area, and to provide additional protections for Rogue River tributaries, and for other purposes; to the Committee on Natural Resources.

By Mr. BUTTERFIELD (for himself, Mr. KISSELL, Mr. WATT, Ms. LEE of California, Mr. DAVIS of Illinois, Mr. JACKSON of Illinois, Mr. TOWNS, Mr. GRIJALVA, Ms. DELAURO, Mrs. EMERSON, Ms. MOORE, Mr. HASTINGS of Florida, Ms. BROWN of Florida, Mr. SCOTT of Virginia, Ms. FUDGE, Mr. THOMPSON of Mississippi, Ms. CLARKE of New York, Mr. CARSON of Indiana, Mr. RANGEL, Mr. CLARKE of Michigan, Ms. NORTON, Ms. WATERS, Mr. JOHNSON of Georgia, Mr. AL GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CLYBURN, Mr. CLEAVER, Mrs. CHRISTENSEN, Ms. SEWELL, Mr. MILLER of North Carolina, Mr. BISHOP of Georgia, Mr. COHEN, Mr. RUSH, Mr. PAYNE, Mr. CUMMINGS, Mr. MCGOVERN, Mr. PRICE of North Carolina, Mr. FARR, Mr. CLAY, Mr. LEWIS of Georgia, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Ms. RICHARDSON, Mr. PASTOR of Arizona, Mr. MEEKS, Ms. EDWARDS, Ms. BASS of California, Mr. DAVID SCOTT of Georgia, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. RICHMOND, Ms. WILSON of Florida, Mr. CONYERS, and Mr. FATTAH):

H.R. 3437. A bill to direct the Secretary of Agriculture to establish the Eva M. Clayton Fellows Program to provide for fellowships to conduct research and education on the eradication of world hunger and malnutrition, and for other purposes; to the Committee on Agriculture, 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 Mr. FILNER:

H.R. 3438. A bill to require the Department of Defense to meet the annual goal for participation in procurement contracts by small business concerns owned and controlled by veterans with service-connected disabilities; to the Committee on Armed Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. MCINTYRE):

H.R. 3439. A bill to require the President to impose sanctions on foreign financial institutions that conduct transactions with the Central Bank of Iran if the President determines that the Central Bank of Iran has engaged in certain transactions relating to the proliferation of chemical, biological, or nuclear weapons or support for acts of international terrorism; to the Committee on Foreign Affairs.

By Mr. FLAKE (for himself, Mr. BISHOP of Utah, Mr. FRANKS of Arizona, Mr. AKIN, Mr. POMPEO, Mr. BROUN of Georgia, Mr. HUNTER, Mr. FARENTHOLD, Mr. GALLEGLY, Mr. HULTGREN, and Mr. WALSH of Illinois):

H.R. 3440. A bill to provide for certain oversight and approval on any decisions to close National Monument land under the jurisdiction of the Bureau of Land Management to recreational shooting, and for other purposes; to the Committee on Natural Resources.

By Mr. FLEISCHMANN:

H.R. 3441. A bill to repeal the Department of Energy's weatherization assistance program; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. JACKSON LEE of Texas, and Mr. FRANK of Massachusetts):

H.R. 3442. A bill to amend title XVIII of the Social Security Act with respect to payment for partial hospitalization services under the Medicare program; 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. KINGSTON (for himself and Mr. WESTMORELAND):

H.R. 3443. A bill to reform the H-2A program for nonimmigrant agricultural workers, and for other purposes; to the Committee on the Judiciary.

By Mr. KINGSTON (for himself and Mr. WESTMORELAND):

H.R. 3444. A bill to amend the Internal Revenue Code of 1986 to clarify eligibility for the child tax credit; to the Committee on Ways and Means.

By Mr. LOEBSACK:

H.R. 3445. A bill to provide priority consideration to local educational agencies that establish high quality entrepreneurship education programs for secondary schools, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mr. HOLT, Mr. KILDEE, Mr. GRIJALVA, Ms. BORDALLO, Mrs. NAPOLITANO, Mr. PIERLUISI, and Mrs. CHRISTENSEN):

H.R. 3446. A bill to direct the Secretary of the Interior to establish an annual production incentive fee with respect to Federal onshore and offshore lands that are subject to a lease for production of oil or natural gas under which production is not occurring, and for other purposes; to the Committee on Natural Resources.

By Mr. QUIGLEY:

H.R. 3447. A bill to require proprietary institutions of higher education to derive not less than 10 percent of such institutions' revenues from sources other than veterans' education benefits or funds provided under title IV of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. RENACCI (for himself, Mr. CARNEY, and Mr. WELCH):

H.R. 3448. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for dividends received from a controlled foreign corporation by any corporation that has increased wages or placed property in service for the year; to the Committee on Ways and Means.

By Mr. RYAN of Ohio (for himself, Mr. CRITZ, Mr. MANZULLO, Ms. KAPTUR, Mr. GARAMENDI, Mr. JONES, Mr. MURPHY of Connecticut, Mr. JOHNSON of Georgia, and Mr. KISSELL):

H.R. 3449. A bill to direct the Secretary of Defense to develop a defense supply chain and industrial base strategy, and for other purposes; to the Committee on Armed Services.

By Mr. YOUNG of Alaska:

H.R. 3450. A bill to authorize the Administrator of the Environmental Protection Agency to make grants to assist communities in complying with environmental requirements, to authorize the use of penalty amounts collected under laws administered by the Environmental Protection Agency to finance the grants, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, 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. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. JACKSON LEE of Texas, Ms. LEE of California, Ms. BORDALLO, Mr. JACKSON of Illinois, Ms. CLARKE of New York, Ms. BASS of California, Mr. SABLAN, Mr. PIERLUISI, Ms. FUDGE, Mr. RANGEL, Mr. MCGOVERN, Mr. SMITH of Texas, Ms. NORTON, Mr. ANDREWS, Mr. ISRAEL, Ms. BROWN of Florida, Mr. MEEKS, Ms. WILSON of Florida, Mr. GRIJALVA, Mr. BUTTERFIELD, Mr.

JOHNSON of Georgia, Mr. CLEAVER, and Ms. RICHARDSON):

H. Con. Res. 88. Concurrent resolution honoring Brigadier General Hazel Winifred Johnson-Brown, the first African-American woman to hold the rank of General in the United States Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAVES of Missouri:

H. Res. 468. A resolution expressing support for the designation of a ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses; to the Committee on Small Business.

By Mr. ROE of Tennessee:

H. Res. 469. A resolution expressing the sense of the House of Representatives that the Patient Protection and Affordable Care Act is unconstitutional; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, Education and the Workforce, Natural Resources, House Administration, Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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. LANKFORD:

H.R. 3433.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

By Ms. MCCOLLUM:

H.R. 3434.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which gives Congress the power ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers.''

By Ms. SPEIER:

H.R. 3435.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

By Mr. DEFAZIO:

H.R. 3436.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BUTTERFIELD:

H.R. 3437.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8, Clause 3 of the Constitution, Congress has the power to collect taxes and expend funds to provide for the general welfare of the United States. Congress may also make laws that are necessary and proper for carrying into execution their powers enumerated under Article I.

By Mr. FILNER:

H.R. 3438.

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), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper to execute these powers.

By Mr. FLAKE:

H.R. 3439.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, grants Congress the power to regulate commerce with foreign nations.

By Mr. FLAKE:

H.R. 3440.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. FLEISCHMANN:

H.R. 3441.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3442.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States.

By Mr. KINGSTON:

H.R. 3443.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

The Congress shall have the Power . . . To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States

By Mr. KINGSTON:

H.R. 3444.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. LOEBSACK:

H.R. 3445.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution which grants Congress the power to provide for the general Welfare of the United States.

By Mr. MARKEY:

H.R. 3446.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. QUIGLEY:

H.R. 3447.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is found in Article I, Section 8 of the United States Constitution.

By Mr. RENACCI:

H.R. 3448.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: ''The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.''

Article I, Section 8, Clause 18: ''The Congress shall have Power To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.'''

By Mr. RYAN of Ohio:

H.R. 3449.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, Clause 14; To make Rules for the Government and Regulation of the land and naval Forces.

Article 1, section 8, Clause 18; To make all Laws which shall be necessary and proper for 'Trying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. YOUNG of Alaska:

H.R. 3450.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mr. GINGREY of Georgia and Mr. BOUSTANY.

H.R. 265: Ms. LEE of California.

H.R. 266: Ms. LEE of California.

H.R. 267: Ms. LEE of California.

H.R. 303: Mr. ROE of Tennessee.

H.R. 329: Mr. TONKO.

H.R. 374: Mr. FINCHER and Mr. BOUSTANY.

H.R. 436: Mr. JOHNSON of Illinois and Mr. FITZPATRICK.

H.R. 531: Ms. ZOE LOFGREN of California, Mr. SCHRADER, and Mr. DEFAZIO.

H.R. 631: Mr. CONYERS.

H.R. 692: Mr. ROHRABACHER.

H.R. 708: Mr. GERLACH.

H.R. 718: Mr. MILLER of North Carolina, Mr. MCCOTTER, Mr. RIGELL, and Mr. TOWNS.

H.R. 719: Mr. OLSON.

H.R. 721: Mr. NEUGEBAUER, Mr. MCCAUL, Mr. BROUN of Georgia, Mr. MCHENRY, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. GARRETT, and Mr. BARTON of Texas.

H.R. 812: Mr. CARNAHAN, Mr. MANZULLO, and Ms. BORDALLO.

H.R. 835: Ms. HAYWORTH and Ms. HAHN.

H.R. 885: Mr. CARNAHAN.

H.R. 890: Mr. CHABOT.

H.R. 972: Mr. GARY G. MILLER of California.

H.R. 1050: Mr. WITTMAN.

H.R. 1081: Mr. SCHIFF and Mr. LANCE.

H.R. 1092: Mr. MCCOTTER.

H.R. 1148: Mr. DEFAZIO, Mr. PETERSON, Mr. COURTNEY, Mr. KISSELL, Mrs. MALONEY, Mr. FILNER, Mr. ELLISON, Mr. ROSS of Florida, Ms. SPEIER, Mr. HASTINGS of Florida, Mr. BISHOP of New York, Mr. HIGGINS, Mr.

MCGOVERN, Mr. LOBIONDO, Mr. SMITH of Washington, Mr. POLIS, Mr. REHBERG, and Mr. HOLDEN.

H.R. 1164: Mr. JONES and Mr. DUNCAN of Tennessee.

H.R. 1175: Mr. MICHAUD.

H.R. 1182: Mr. AMASH and Mr. ROONEY.

H.R. 1219: Ms. LORETTA SANCHEZ of California and Mr. KEATING.

H.R. 1221: Mr. FORBES, Mr. VISCLOSKY, and Mr. LOBIONDO.

H.R. 1288: Mr. ALTMIRE.

H.R. 1295: Mr. JACKSON of Illinois.

H.R. 1297: Mr. AMODEI.

H.R. 1307: Mr. JONES and Mr. DUNCAN of Tennessee.

H.R. 1330: Mr. ANDREWS.

H.R. 1351: Mr. GRIFFITH of Virginia.

H.R. 1385: Mr. MEEHAN and Mr. MARINO.

H.R. 1417: Ms. CLARKE of New York.

H.R. 1449: Mr. COURTNEY.

H.R. 1513: Ms. HANABUSA, Mr. JOHNSON of Illinois, Ms. ROYBAL-ALLARD, and Mr. MCDERMOTT.

H.R. 1546: Mr. DENT.

H.R. 1558: Mrs. BONO MACK.

H.R. 1571: Mr. DUFFY.

H.R. 1580: Mr. DESJARLAIS and Mr. WHITFIELD.

H.R. 1639: Mr. DAVIS of Kentucky and Mr. BRADY of Pennsylvania.

H.R. 1653: Mr. YARMUTH and Mr. ROSS of Florida.

H.R. 1661: Mr. CICILLINE.

H.R. 1697: Mr. BROOKS.

H.R. 1738: Mr. MCINTYRE, Mr. MCNERNEY, Mr. FRANK of Massachusetts, and Mr. ROE of Tennessee.

H.R. 1755: Mrs. MILLER of Michigan.

H.R. 1815: Mr. PIERLUISI and Mr. JONES.

H.R. 1834: Mr. WOMACK and Mr. KISSELL.

H.R. 1897: Ms. FUDGE, Mr. RAHALL, Mrs. CAPPS, and Mr. ISRAEL.

H.R. 1903: Ms. BROWN of Florida.

H.R. 1905: Mr. BENISHEK, Mr. KINGSTON, and Ms. NORTON.

H.R. 1941: Mr. COURTNEY and Ms. BALDWIN.

H.R. 2051: Mr. LATTA.

H.R. 2069: Mr. TONKO.

H.R. 2070: Mr. PALAZZO and Mr. JONES.

H.R. 2105: Mr. YOUNG of Alaska and Mr. HULTGREN.

H.R. 2182: Mr. MCCAUL and Mr. CASSIDY.

H.R. 2214: Mr. COHEN, Ms. JENKINS, Mr. ROSS of Florida, Mr. WEBSTER, Ms. HERRERA BEUTLER, Mr. KINZINGER of Illinois, Mr. KING of Iowa, and Mr. RIBBLE.

H.R. 2299: Mr. THOMPSON of Pennsylvania.

H.R. 2304: Mr. SCALISE.

H.R. 2335: Mr. BERG and Mr. ISSA.

H.R. 2367: Mr. GALLEGLY.

H.R. 2412: Mr. FRANK of Massachusetts.

H.R. 2414: Mr. HULTGREN.

H.R. 2499: Ms. TSONGAS.

H.R. 2505: Mr. LANCE, Mr. DAVIS of Illinois, and Mr. LATHAM.

H.R. 2508: Ms. HANABUSA, Mr. COSTA, and Mr. FALEOMAVAEGA.

H.R. 2528: Mr. BRADY of Texas.

H.R. 2538: Mrs. BONO MACK.

H.R. 2541: Mr. WALBERG.

H.R. 2557: Mr. ELLISON.

H.R. 2559: Mr. STARK.

H.R. 2580: Mr. CRITZ.

H.R. 2600: Mr. FARENTHOLD, Ms. HAYWORTH, Mr. KINZINGER of Illinois, Mr. CLARKE of Michigan, and Mr. HECK.

H.R. 2632: Mr. BRADY of Pennsylvania.

H.R. 2674: Mr. JOHNSON of Ohio.

H.R. 2697: Mr. MATHESON.

H.R. 2733: Mr. MCGOVERN and Mr. JONES.

H.R. 2772: Mr. MCINTYRE.

H.R. 2815: Mr. DEUTCH.

H.R. 2827: Mrs. BIGGERT and Mr. RIBBLE.

H.R. 2866: Mr. DAVIS of Illinois.

H.R. 2885: Mr. NUNNELEE and Mr. HECK.

H.R. 2893: Mr. ROSS of Florida.

H.R. 2900: Mr. LAMBORN and Mr. HUNTER.

H.R. 2918: Mr. BOREN, Mr. KELLY, and Mr. MANZULLO.

H.R. 2945: Mr. CHABOT.

H.R. 2966: Ms. HIRONO.

H.R. 2967: Mr. PASCRELL.

H.R. 2970: Mr. LEVIN.

H.R. 2982: Ms. GRANGER.

H.R. 2992: Mr. MANZULLO and Mr. KELLY.

H.R. 3012: Mr. THOMPSON of Pennsylvania.

H.R. 3057: Mrs. ELLMERS, Mr. GRAVES of Missouri, Mr. JOHNSON of Illinois, Mr. JACKSON of Illinois, Mr. GEORGE MILLER of California, and Mr. JOHNSON of Ohio.

H.R. 3059: Mr. PAULSEN.

H.R. 3066: Mr. SMITH of Nebraska.

H.R. 3087: Mr. GRIJALVA.

H.R. 3096: Mr. YOUNG of Alaska.

H.R. 3097: Mr. POE of Texas and Mr. CALVERT.

H.R. 3142: Mr. MANZULLO, Mr. COBLE, Mr. GINGREY of Georgia, and Mr. MCINTYRE.

H.R. 3151: Mr. FRANK of Massachusetts, Mr. ISRAEL, and Mr. HINCHEY.

H.R. 3158: Mr. LATHAM and Mr. REHBERG.

H.R. 3162: Mr. BONNER and Mr. REED.

H.R. 3168: Mr. CAMPBELL, Mr. KING of Iowa, Mr. WEST, and Mr. BURTON of Indiana.

H.R. 3178: Mr. CONYERS, Mr. CUMMINGS, Mr. FARR, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. LIPINSKI, Ms. MCCOLLUM, Mr. MORAN, Ms. SCHAKOWSKY, Mr. STARK, Ms. LEE of California, Mr. PAYNE, and Mr. ELLISON.

H.R. 3180: Ms. BORDALLO, Mr. WOMACK, Mr. CARTER, Ms. JACKSON LEE of Texas, and Mr. BARTLETT.

H.R. 3187: Mrs. CHRISTENSEN, Mr. CARSON of Indiana, Mr. BILBRAY, Mrs. BONO MACK, Mr. MCCARTHY of California, and Mr. DIAZ-BALART.

H.R. 3193: Mr. BILBRAY, Mr. ROE of Tennessee, and Mr. GOHMERT.

H.R. 3200: Mr. MCNERNEY and Mr. LOEBSACK.

H.R. 3210: Mr. YOUNG of Alaska, Mr. HUNTER, Mr. MANZULLO, and Mr. PAULSEN.

H.R. 3211: Mr. KLINE.

H.R. 3243: Mrs. LUMMIS and Mr. NUNNELEE.

H.R. 3245: Mr. JONES.

H.R. 3250: Ms. SEWELL, Ms. MOORE, Ms. NORTON, Mrs. CHRISTENSEN, Ms. JACKSON LEE of Texas, Mr. PRICE of North Carolina, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DAVIS of Illinois.

H.R. 3264: Mr. AMASH.

H.R. 3266: Ms. BORDALLO, Mr. ACKERMAN, Mr. DOGGETT, Ms. LEE of California, and Mr. FRANK of Massachusetts.

H.R. 3286: Ms. TSONGAS and Ms. MATSUI.

H.R. 3288: Ms. SCHAKOWSKY and Mr. KEATING.

H.R. 3323: Mrs. HARTZLER.

H.R. 3324: Mr. FRANK of Massachusetts.

H.R. 3339: Mr. ROSKAM.

H.R. 3349: Mr. RYAN of Ohio.

H.R. 3350: Mr. RYAN of Ohio.

H.R. 3351: Mr. RYAN of Ohio and Mr. LATTA.

H.R. 3356: Mr. GRIFFITH of Virginia.

H.R. 3365: Mr. BLUMENAUER.

H.R. 3379: Mr. YOUNG of Alaska and Mrs. LUMMIS.

H.R. 3388: Mr. CICILLINE.

H.R. 3402: Ms. HAHN and Mr. MCGOVERN.

H.R. 3405: Ms. BROWN of Florida.

H.R. 3409: Mr. STIVERS and Mr. HARRIS.

H.R. 3410: Mr. KELLY.

H.R. 3425: Mr. SCOTT of Virginia and Mr. GRIJALVA.

H.J. Res. 78: Mr. HINCHEY and Mr. MCDERMOTT.

H.J. Res. 80: Mr. MORAN.

H.J. Res. 83: Mr. SHERMAN.

H.J. Res. 85: Mr. NUGENT, Mr. CRAWFORD, Mr. HARPER, Mr. WALSH of Illinois, Mrs. LUMMIS, Mr. GUINTA, Mr. HUIZENGA of Michigan, Mr. MARCHANT, Mr. WALBERG, Mr. RIBBLE, Mr. ROE of Tennessee, Mr. FRANKS of Arizona, Mr. BROOKS, Mr. BARTLETT, Mr. LAMBORN, and Mr. BILBRAY.

H. Res. 98: Mr. FLEMING, Mr. WALSH of Illinois, Mr. MARCHANT, Mr. RIBBLE, and Mr. FRANKS of Arizona.

H. Res. 111: Mr. ROYCE.

H. Res. 374: Mr. KLINE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3010: Mr. BACA.

H.R. 3086: Mr. THOMPSON of Pennsylvania.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, NOVEMBER 16, 2011 No. 175

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:

O Mighty God, the giver of grace and mercy, we bless Your holy Name.

Today, empower our lawmakers to walk in Your will and follow Your leading. Give them clean hearts and renew a right spirit within them. Teach them to serve You as You deserve, to give and not to count the cost, to strive and not to heed the wounds, to toil and not to seek for rest, to labor and not to ask for any reward except that of knowing they are doing Your will.

We pray in Your sovereign 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, November 16, 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.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Following leader remarks, the Senate will be in a period of morning business for 1 hour. The majority will control the first half and the Republicans the final half. Following morning business, the Senate will resume consideration of H.R. 2354, the Energy and Water appropriations bill. We will continue to work on an agreement for the bill and notify Senators when votes are scheduled.

We have a lot of work to do in the next few days. We cannot have the Defense authorization bill eat up a lot of time after we get back from the recess we will have for Thanksgiving. So everyone should understand that we are going to move forward on the Defense authorization bill. It may not be tomorrow, it may not be the next day, but we have to do it before Thanksgiving. So I hope everyone understands. I know everyone wants to get home for Thanksgiving—we all do—but we have an obligation here.

In the Christmas period; that is, after Thanksgiving, we will have just a few weeks to get everything done. As important as the Defense authorization bill is, we can't eat days and days of that time in December. We have to finish that bill now. I know that won't be easy, so I would hope that people understand, if they have an idea that they are going to stop us from moving forward on the bill, on the motion to proceed, we are going to get that done and more. So that might mean we have to work past Thursday, past Friday, and if we have procedural obstacles on that very important legislation, it will mean we will have to work the weekend and into next week. So I want to make sure everyone understands that. So all Senators who are watching and listening, and especially the staff, just make sure you have alternate reservations to leave Washington.

LIFESAVING REGULATION

Mr. REID. Democrats and Republicans don't agree on much these days, although I had a meeting with some veterans groups earlier today, and I indicated to them that maybe they are going to bring us some good luck because we were able to pass part of the President's jobs bill—the veterans employment—with an overwhelming majority. That was really good news, and I hope that is the beginning of some good days ahead of us.

We do agree Congress must do something about the unemployment crisis we face. We have 14 million Americans out of work. There is no more pressing issue facing Congress or the country than jobs. Our plan, the Democrats' plan to address this problem, has been very straightforward. We have advocated for policies that will create jobs by investing in what makes this country great—our infrastructure, our education system, and our innovative workforce. Despite Republican obstructionism, we have continued to fight for middle-class jobs, bringing to the Senate floor bill after bill designed to bring Americans back to work.

I met yesterday with the Business Roundtable, a stellar organization with the finest business executives we have in America today. I told them that I know they are all doing well financially, and I went over what we had proposed a week or so ago; that is, we need to do something about infrastructure that is deteriorating.

I said we were able to put forward a piece of legislation that said: Let's

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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spend $50 billion creating hundreds of thousands of jobs. We would not punish millionaires and billionaires. What we would do is, people fortunate enough to make $1 million in a given year, we would say that on any money they make over $1 million, they would have to pay a surtax of seven-tenths of 1 percent. I said: Does anybody out here think that is an onerous suggestion? Nobody raised their hand because it isn't. But on a straight party-line vote, it failed.

So we are going to continue to fight for middle-class jobs, bringing to the Senate floor bill after bill, as we have done, and we will bring some more in the future to put Americans back to work.

The Republicans have taken a different approach. I talked about it yesterday. They have advocated a wholesale repeal of so-called job-killing regulations. We know and we were able to show yesterday that of the jobs that have been lost, about three-tenths of 1 percent have been because of regulations. Does that mean all regulations are perfect? Of course not. That is why the Obama administration—as did the Bush administration, as did the Clinton administration—had a review of what regulations are onerous and we should change or get rid of. So we understand that. For Republicans, that is their job-creating mantra: Get rid of regulations. It doesn't work. They say that rolling back everything from limits on air pollution to rules that keep our worksites safe will create jobs and revive our economy. The problem is it is just not true.

Business leaders and economists of every political stripe agree that this GOP mantra is a falsehood. A respected academic adviser to two Republican Presidents called this myth spread by Republicans to cover up their woeful lack of meaningful work plans to create jobs ''nonsense'' and ''made up.'' I talked about him in some detail yesterday.

The evidence, in fact, shows that government safeguards have little impact, if any, on employment. The Bureau of Labor Statistics study found that last year only three-tenths of 1 percent of layoffs were caused by regulation. That is according to executives who ordered those layoffs. Nearly 85 times as many jobs were lost last year because of the slow economy.

But rather than work with us to turn this weak economy around, creating hundreds of thousands, if not millions of jobs, Republicans spent 11 months fighting Democratic policies that would have created these jobs. Meanwhile, they spent these past 11 months focused on killing regulations that make America safer, healthier, more efficient, and more productive.

For example, Republicans want to halt updates to the Clean Air Act. Since its passage 40 years ago during the Presidency of Richard Nixon—do you know why President Nixon and the Congress got kind of interested in that? In Ohio, the Cuyahoga River kept catching fire. The river started burning, they would put it out, and it would start burning again. So President Nixon and others felt that maybe we should do something about the Clean Water Act. We also, during that same period of time, did something about the Clean Air Act, and the Clean Air Act alone has reduced emission of key pollutants by 70 percent, while the economy has grown by some 200 percent during that same period of time. Long-planned updates to the law would reduce emissions of mercury, acid gases, and other life-threatening pollutants into the air, saving lives.

Last year alone, the Clean Air Act saved the lives of more than 160,000 Americans, and it prevented 86,000 emergency room visits and 13 million lost workdays. This is money in the bank for all of us when we can save lives, prevent emergency room visits, and keep people working and not being sick. The Clean Air Act has prevented hundreds of thousands of cases of heart disease, chronic bronchitis, and asthma.

It is wonderful that we have helped clean the air, but we also have medicines that help. I can remember as a little boy going out to visit a woman who lived on the outskirts of Searchlight—that is really a couple miles out of the main part of Searchlight—and I have never forgotten this. She had asthma, and my mom went out to see if there was anything she could do to help. There wasn't a thing she could do to help. This woman was in such a state of distress. She said, ''I can't breathe,'' and she was making horrible noises that I have never forgotten. So things are better. One reason they are better is because of medicines but also cleaner air.

The Clean Air Act has prevented hundreds of thousands of cases of heart disease, as I have indicated, chronic bronchitis, and asthma, and last year alone it saved American companies and consumers $1.3 trillion by reducing medical costs and increasing productivity.

Of course, all these benefits come with a price tag, but for every dollar spent complying with the Clean Air Act, this Nation saves $30 in emergency room bills, lost work days, and environmental cleanup. And repealing the law of the Clean Air Act wouldn't make the costs go away. Instead, it would shift them from corporations to consumers. Complying with environmental safeguards is one of the costs of doing business in the United States. It is a part of being a good corporate citizen. That is why two-thirds of voters say that scientists at the Environmental Protection Agency, not politicians in Congress, should set pollution standards. Seventy-one percent of voters, including the majority of Republicans, support the stronger environmental protections that are attacked by congressional Republicans. Eighty percent of voters believe those safeguards will improve public health and air quality.

There is plenty of evidence that smart, fair regulations save lives and communities lots of money and also consumers lots of money. There is more evidence that stronger watchdogs could have prevented disasters such as the 2008 financial crisis or the West Virginia mining accident that killed 21 people last year. Simply repeating the fiction that regulations kill jobs doesn't make it a fact. But even if there is one ounce of truth in the fable, there are many ways to steer the economy out of the ditch and create jobs that don't risk American lives.

RECOGNITION OF THE MINORITY LEADER

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

EPA REGULATORY RELIEF ACT

Mr. MCCONNELL. Today, I would like to begin once again by focusing on a piece of jobs legislation that Republicans in the House have recently passed with significant bipartisan support and by calling on the Democratic majority in the Senate to follow the lead of the House Republicans by taking up this legislation and passing it right here in the Senate.

The legislation I would like to highlight is H.R. 2250, the EPA Regulatory Relief Act. This legislation passed the House overwhelmingly last month. Forty-one Democrats supported it over in the House. Senator COLLINS has introduced a similar bill here in the Senate. It has strong bipartisan support.

Most Americans are probably aware by now that the Obama administration is crushing businesses across the country with a mountain of redtape and new regulations that it imposes outside of the legislative process. When asked about their challenges, small business owners now rank these regulations at the very top of the challenges they face.

One of the chief offenders is the EPA, and one of the most potentially damaging regulations this redtape factory has proposed relates to the boilers that are used by just about every manufacturer or institution in this country that doesn't get the power it needs from standard utilities.

Right now, EPA wants to force anybody with an industrial-sized boiler to change their facilities to comply with a burdensome new regulation that, according to one study, could put 230,000 jobs at risk.

So here is what Senator COLLINS has in mind that the EPA Regulatory Relief Act would do about all of this problem. Here is what it would do to protect jobs right here in America:

First, Senator COLLINS' bill would provide more time for EPA to issue regulations for industrial, commercial, and institutional boilers, process heaters, and incinerators. This is the time EPA itself has indicated it needs in

order to collect more data and analysis and to finalize the rules, so it gives EPA what it says it needs. More specifically, it would provide EPA 15 months from the date of the bill's enactment to repropose and finalize the new boiler rules, which I want to emphasize the EPA has actually already requested at this time. This bill would also extend the compliance deadlines from 3 to 5 years, which would allow companies adequate time to comply with the new standards and install the required equipment.

Crucially, this bill would also direct the EPA to ensure that the new rules are achievable and realistic. We all recognize the vital role the EPA plays in keeping the air we breathe and the water we drink clean and safe. We also need to get some commonsense limits on its actions, and that means putting in place laws that protect Americans against the kind of regulatory overreach that too many unelected bureaucrats in Washington seem to live for these days, especially in these challenging economic times.

As I said, this bill has a lot of support not only from Republicans but from Democrats here in the Senate. In fact, 12 of the bill's cosponsors are Democrats. Like me, they understand and appreciate how these new rules would adversely affect jobs and manufacturing in this country, and they want to work with us to do something about it. So this is the perfect example of an issue on which the two parties actually agree. The perfect example.

Senator RON WYDEN supports this bill because it directs the EPA to go back to the drawing board and craft boiler rules that are more in line with what is realistic from mills and factories, he said. Senator WYDEN argues that the EPA itself has admitted its boiler rules need to be fixed.

Here is how Senator LANDRIEU put it over the summer:

> With manufacturing being one of our bright spots in our economic recovery, we cannot afford to jeopardize the industry's health and the high-paying jobs it supplies to this country. This legislation will give the EPA the time extension it needs to craft a balanced approach that not only keeps our environment clean, but also our economy strong . . .

This legislation is supported by the American Forest and Paper Association, the National Association of Manufacturing, the U.S. Chamber of Commerce, the National Federation of Independent Business, the Business Roundtable, the Biomass Power Association, and around 300 other business groups. Too many jobs are at stake for the Senate not to act on this legislation that has actually already passed the House. I have previously mentioned an Ohio paper mill where 200 jobs are at stake as a result of this rule. The American Forest and Paper Association says 700,000 jobs in the paper industry alone are also at risk.

The Republican House has done its job. Now it is time for the Senate to act. Let's take up the EPA Regulatory Relief Act, pass it, and send it on down to the President for his signature.

If Democratic leaders cannot agree to take up and pass legislation the two parties actually agree on, then what will they agree to pass? Let's follow the House's lead and show the American people we can work together on this commonsense, bipartisan bill to protect jobs in American manufacturing.

TRIBUTE TO THE REVEREND GENE HUFF

Mr. MCCONNELL. Madam President, today I pay tribute to a good friend of mine, and a man who has been a good friend of the Commonwealth of Kentucky for decades. Whether as a State legislator, a pastor, an evangelist, a radio station operator, or as a dedicated and loving family man, the Rev. Gene Huff of London, KY, has been a good and faithful servant in his community for many years. He has my respect as a model Kentuckian.

Gene Huff was born October 6, 1929. Before he was 20 years old, he had heard the call to preach and began traveling Kentucky as an evangelist. His wife of nearly 60 years, Ethel, recalls the first time she laid eyes on Gene when he came to preach at her church.

''On March 13, 1949, he came to Newport, Kentucky, to preach his first revival at age 19,'' Ethel remembers.

> It was my home church. I had never seen or heard a teenager preach before, so when I first saw Gene, I wondered what he would be able to tell us. He was so young-looking to be a preacher. But I loved his broad, friendly smile and wonderful voice from the very start. And to my surprise, he really could preach!

At that first meeting Ethel was a 16-year-old church pianist. She must have been smitten with the handsome 19-year-old preacher. They dated for 3 years and were married on July 4, 1952. That same year Gene found a permanent home as a preacher when he became the first pastorate at the First Pentecostal Church in London, KY, the church that would eventually become his home for three decades. From 1955 to 1963, he followed some other pursuits, including serving as pastor at the Upper Colony Holiness Church and Carmichael Community Church in London, and at the Deer Park Christian Assembly of God Church in Cincinnati.

He also worked for a time as a public school teacher and a tutor. But in 1963, Gene returned to pastor at the First Pentecostal and remained in that capacity until 1989.

Many Kentuckians have also come to know Gene through his life-long experience in politics. He was first elected to the Kentucky House of Representatives in 1967. In 1971, he won a seat in the Kentucky Senate representing the 21st district and served there until 1994.

I worked with Gene in his legislative capacity over the years and can truly say the people of the 21st district could not have asked for a more dedicated, loyal, or hardworking senator. Gene was always true and faithful to his convictions in the State senate. He was the leader of efforts to oppose a lottery coming to Kentucky. Although he was ultimately unsuccessful, I know he was proud of waging that fight. He would eventually rise to serve as both the minority caucus chairman and minority floor leader and as the ranking Republican on the Appropriations and Revenue Committee for 14 years. In 2000, he was inducted into the 5th District Lincoln Club Hall of Fame.

Gene continued to serve as a pastor while serving his constituents in Frankfort. In 1974, inspired by his son, Marty, who had seen a presentation on a bus ministry, Gene found four schoolbuses for his church to buy and fix up, and he began running these buses across the region to bring people in to hear him preach at First Pentecostal. They named the four buses Matthew, Mark, Luke, and John. Before the bus service began, Gene's Sunday school had an average attendance of around 150. Within three months over 400 people were attending Gene's services.

Gene traveled even farther than the back roads of Kentucky when it came to spreading the word. In the 1980s, while serving as a State senator, Gene successfully got a resolution passed to assist persecuted Christians in Romania. Shortly afterwards, Gene traveled to Romania to see the situation there himself firsthand. What he saw so moved him that he began an entirely new phase of foreign missions in ministry. Gene would go on to make 28 trips to Romania, and he and Ethel traveled to 33 countries. In 1990 they formed the Good News Outreach missions organization to support their work in foreign missions. Here's how Ethel puts the effect these trips have had on her and Gene: ''Involvement and support of foreign missions has been a beautiful addition to the tapestry of our lives.''

As if all this service to both congregants and constituents were not enough, Gene succeeded in many other pursuits as well. He has installed air conditioners and furnaces, repaired washing machines, rebuilt cars, worked in home construction, worked at a car dealership and an ice cream shop, and hauled hay, coal, lumber, and watermelons. He once worked as a travel agent for KLM Airlines. In the 1970s he became part owner of an airplane and earned his pilot's license. On the day he resigned from the State senate in 1994, Gene and Ethel raised a 50,000-watt tower for WYGE, a Christian radio station which he continued to operate until 2007. I remember doing two interviews with Gene on WYGE.

Gene played a key role in seeing the brand-new, state-of-the-art St. Joseph-London Hospital completed, an acute-care hospital that serves a population of over 50,000 in four counties. When construction for the new facility came

to a crossroads a few year ago, it was Gene who brought the community together on a Thanksgiving weekend to lobby for the hospital's completion. I am sure he is proud to see the new hospital and its award-winning cardiovascular services up and running.

Gene Huff is not only a well-rounded man but a well-educated one as well. He enrolled in Sue Bennett Junior College in London in the fall of 1952, beginning a pursuit of higher education that would continue over a period of 25 years. He finished Sue Bennett in 1954 and earned a bachelor's degree from Union College in Barbourville, KY, in 1960. His master's degree was earned at Morehead State University in Morehead, KY, in 1976. He also earned an educational specialist degree there in 1977. He pursued further graduate work at the University of Kentucky. In 1999 Gene was awarded an honorary doctor of public education degree from Union College.

Gene turned 82 years old a month ago, and I certainly hope he took the happy occasion of his birthday to look back proudly at a life filled with achievement. The number of lives he has touched, whether through his preaching, his public service or his warm and steady presence among family and friends cannot be counted.

I had the pleasure of talking to Gene on the phone a few days ago and we got to reminisce about old times. I wanted him to know I was thinking of him and that I am proud of him for his decades of service to his community, to the Commonwealth of Kentucky, and to God.

It is an honor to come to Washington to represent Kentuckians such as the Rev. Gene Huff. I am sure no one could be prouder of Gene than his wife, Ethel; their five children, Arlene, Martin, Marsha, Anna Marie, and Jeanie; their 19 grandchildren, their 7 great-grandchildren, and many other beloved family members and friends.

I would ask my Senate colleagues to join me in recognizing Rev. Gene Huff for his lifetime of accomplishment. Kentucky is honored to call him one of our own, and I am honored to call him my friend.

I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. Madam President, I wish to ask unanimous consent that the Senator from Montana, Mr. TESTER, the Senator from Louisiana, Ms. LANDRIEU, and the Senator from Connecticut, Mr. BLUMENTHAL, and I have unanimous consent to engage during majority morning business time in a colloquy.

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

PELL GRANTS

Mr. WHITEHOUSE. We have just passed through a very significant landmark in this country which is that student debt, the burden of college loan debt Americans have to carry, broke through $1 trillion. That is $1 trillion in debt. And because of the laws that have been set up to favor the banks, in particular in this Congress, the debt is not dischargeable in bankruptcy. That is a $1 trillion burden on folks who required loans to get through college that they can never shake off that is going to stay with them for their lives, for as long as it takes to pay it down even when things don't work out for them. So it is a very significant milestone when it hits $1 trillion of this particular kind of very onerous debt.

One of the responses to it is the Pell grant.

The Pell grant helps people who can't afford college have the chance to go to college. It helps them pay their way through college, and it does so without leaving that burden of debt behind. It is named after Senator Claiborne Pell of Rhode Island, a Senator and a man who was very important to me in my life and in my development as a political figure in Rhode Island. He was a very dear friend and went almost inexplicably out of his way for me on many different occasions. I am deeply indebted to him. But I am also extremely proud to represent Rhode Island in the Senate and to represent a State that produced Senator Claiborne Pell and, particularly as we face this massive burden of debt, to come to the floor to participate in this colloquy in support of the Pell grant.

I will turn to my colleague, Senator TESTER, in one moment. First, I wish to say how important this is to individual people who wouldn't have the chance otherwise. I was at the University of Rhode Island just a few weeks ago. I met a woman named Amber, who is 29 years old. She is not the standard ''come out of high school and go on to college'' student. She is actually a mom. She has two kids. She works full time and she goes to school full time and she is the mother of two kids. This is a very busy person and a very energetic and capable person. The only way she can make things work in her life and enable her to be a full-time mom, a full-time employee, and a full-time student is because the Pell grant that she gets bridges the gap between what she can earn, what she can borrow, what she has to pay, and gives her the chance to move into the college-educated status.

As we know from looking at this recession we are in right now, there are two economies in America. There is an economy for college-educated people—an economy in which the top unemployment rate is below 5 percent—and then there is the economy for people who have not had the benefit and the good fortune of a college education, for whom unemployment is nearly twice as high and for whom the suffering brought on by the Wall Street meltdown and the subsequent recession has been much more acute.

I will turn now to Senator TESTER. I appreciate so much that he has come to join us today to help our colleagues, I hope, come to the realization that cutting Pell grants as we face our debt and our deficit problem would be a wild mistake, a terrible mistake, would undercut the progress we are trying to make, and would be one of the worst places to go for spending cuts. Even though I admit we need to make them, the Pell grant is the wrong place to look.

I yield to my distinguished colleague, Senator TESTER.

Mr. TESTER. Madam President, I thank the Senator from Rhode Island. We appreciate his leadership on the issue of Pell grants. I very much appreciate the opportunity to address Pell grants and what they mean to not only our young people and to the folks who are being retrained to find different lines of work with the economic slowdown but also to our economy in general overall.

If we are going to go to an institution of higher learning at this point in time, it takes money. If Pell grants are reduced or potentially even taken away, as some want, it takes away that opportunity. It takes away that opportunity for upward mobility within our society, within the economy. Without education, if a person is born poor, that person is liable to stay poor. Without education, if a person wants to improve their quality of life, it becomes much more difficult.

When I meet with students, both traditional and nontraditional, around the State of Montana, the first question they ask me or one of the first questions is, What is the Federal Government doing to make college affordable? Because if one is unfortunate enough to be born without economic means, these Pell grants are critically important to be able to allow people—students, young people, folks who need to be retrained—to go to college and get that training, thereby adding to our economy and enabling them to get a better job and potentially become business owners and down the line.

Why is this important? It is because Pell grants have been under attack in the House.

H.R. 1 would cut $5.7 billion from Pell grants and 1.7 million students would have been denied access to education because of that cut. Some people in the House even call Pell grants 21st century welfare. It couldn't be further from the truth.

Then, after H.R. 1 was put down in the Senate in a bipartisan way, the House passed the Labor-HHS bill which cut $8 billion from Pell grants, thereby eliminating Pell grants for folks who are going to school less than half time. That eliminates a good portion of the nontraditional students because a lot of these folks are trying to make a living, trying to support a family, and trying to improve themselves in the economic strata of this world. Some of them have been laid off.

There is an individual, for example, in western Montana who had a tile business, with 27 years' experience in the tile and stone business. He had a family, and because of the economic downturn and because of, quite frankly, physical limitations in a business that is very difficult, he had to find a different line of work. Work had dried up and, quite frankly, the back was getting weak. So he was able to get a Pell grant, go back to school on a part-time basis, and study for a job where there was a job once he got out in the culinary arts—something he had wanted to do and something that would allow him to support his family. Without those Pell grants, he would have possibly been on workers' comp or potentially making far less money.

So when the Pell grants come forward in the House and they do things such as cut Pell grants, either their amount or eliminate the numbers available to our students across this country, traditional and otherwise, we are basically doing bad things to the economy, cutting the economy down because, quite honestly, the affordability issue is critically important as we move forward and people go to get retrained and move themselves up in the economic strata.

The other issue, finally, is the importance to Indian Country. With the tribal colleges, the Pell grants are used to a great extent there. Why is this important? In Montana, in Indian Country, the unemployment rate is very high—70 percent and higher—on many of the reservations around Montana. Quite honestly, if we are going to dig into the unemployment rate across this country, whether it is Indian reservations or wherever, education is a key component to making that happen. Pell grants are a key component to giving access to our students, both traditional and nontraditional.

As we move forward, we need to understand that for men and women alike, young people and middle-aged, who need the training to be able to get good jobs, Pell grants are a critical component of that.

With that, I kick it back to the Senator from Rhode Island.

Mr. WHITEHOUSE. I thank the Senator. As my colleague knows, we have a very distinguished colleague from the Senate who has now gone on to be the Secretary of the Interior of the United States, Ken Salazar. I see former attorney general and now Senator BLUMENTHAL from Connecticut has joined us for this colloquy, and he knows Ken Salazar was the attorney general of Colorado, an attorney general with both of us. Ken grew up on a farm in Colorado that, until his generation, didn't have running water and didn't have electricity. His generation was the first generation to go to college. When I got here, he was a Senator and his brother was a Congressman. It never would have happened if it hadn't been for the Pell grant. It was the Pell grant that allowed those boys, from a faraway corner of Colorado, who were eighth-generation Americans, to be the first generation that got their foothold in college and were able to propel themselves from that to remarkable leadership of our country. It shows what ordinary Americans are capable of when the Pell grant gives them that launching pad.

I appreciate that the Senator from Montana brought up the effects on Indian Country as well.

I know Senator BLUMENTHAL wishes to say a few words.

Mr. BLUMENTHAL. Madam President, I wish to thank my colleague from Rhode Island for organizing this colloquy, and the Senator from Montana has been a tireless advocate of opportunity for all the people of the United States and particularly his State. So I am honored to follow my colleague from Montana in this discussion.

Claiborne Pell, whose name is on the grant, is an example of how an individual can make a difference in this institution. His contributions have left a legacy not only for himself and the State of Rhode Island but also for the entire country in advancing the cause of higher education and putting it on the map in the American understanding of how critically important it is and how it is evermore important today for the United States to compete in the global economy. It is important for individuals to compete within the United States. It is important for middle-class people to continue to have viable, healthy families. In fact, the Pell grant is important to the economic health and even the viability of our middle class. The failure to fund it and support it will endanger educational opportunities for middle-class Americans across the country.

What we know about the modern economy is that more and more, a high school education alone means less and less. High school is vitally important but, economically, it is not enough. That is reflected in an overwhelming—almost an avalanche—of statistics and studies. The most recent issue last Friday by Georgetown University Center on Education shows clearly and dramatically that Americans who have only a high school education are less likely to have a good income and a good economic status.

Workers who had a high school diploma alone, in 1973, were qualified for 72 percent of jobs—much more than two-thirds. Today, people who have only a high school diploma are qualified for only 44 percent of the jobs available. In 2018, that number will drop to 37 percent. That set of numbers is more than just a statistic, it is human lives and families and income—dollars in people's pockets they can spend in our economy. It affects particularly women who more and more shoulder the largest burden of changes in our educational requirements and have been hit the hardest in the unemployment crisis we face. In our advancing economy, employers need highly skilled individuals. More and more, what I hear as I go around the State of Connecticut is there are jobs available, but there aren't people with the skills to fill them. When we talk about a Pell grant and college degrees, we are not talking about only a 4-year diploma, we are talking about an associate's degree that enables somebody to run a computer on an assembly line or do welding or the other kinds of practical skills that enable people to fill those jobs, enable America to compete, and enable employers to compete successfully.

In 2018, only one-third of the jobs available to noncollege-educated workers will provide a living wage. That is a statistic that ought to be a wake-up call to the Congress and to Washington. I think it is reflected not just in the overall picture but in the individual human stories that both my colleagues expressed in their remarks and that I hear from people who not only have benefitted from Pell grants but who hope to benefit from them, including educators who believe they are vital to the future of American education.

I wish to cite a few this morning and quote first from a letter I received from Norma Esquivel, who lives in Greenwich, CT, and who said to me in her letter:

> I recently received news regarding the possible elimination of the Pell Grant. As a recipient of the Pell Grant, the mere thought of losing such an essential feature of my financial aid package is devastating. . . . I was brought up in a Latino household where the lack of money was often a catalyst for stress and hopelessness. Neither of my parents could afford to attend college. My father worked as a janitor and is currently retired due to his debilitating Parkinson's disease while my mother is a housewife.

She goes on to talk about how her parents gave her the hope and aspiration to attend college and how she is now doing it at Sarah Lawrence because of the Pell grant.

Gena Glickman, who is the president of Manchester Community College, writes to me about the students whom she meets and she sees every day who benefit from these programs. She says:

> Pell grants not only help low-income and first-generation students to access postsecondary education and training, they enable them to complete degrees and certificates.

Senator WHITEHOUSE has given us this statistic that is astonishing and alarming: $1 trillion of debt that our students now bear—larger than the amount Americans owe on their credit cards, I believe, and threatening not only their futures but all of our economic futures and the viability of our economy.

I would like to ask my colleague from Rhode Island whether and how much funding is projected to be necessary for the continued viability of this program and for America and Americans to compete in the global economy?

Mr. WHITEHOUSE. I say to Senator BLUMENTHAL, one of the things that has taken place is that the value to the individual student of the Pell grant has actually declined quite a lot over the years since it was first initiated.

When the first Pell grants came out, they paid for nearly three-quarters of the typical 4-year public college tuition; 72 percent of that tuition. Now they are down to 32 percent; less than one-third. So there is a lot of room to increase what we can spend on Pell grants. I think it is pretty clear from what the Senator has said and from what Senator TESTER has said that once someone is college educated, they step into a different economy with a top unemployment rate through this awful recession of below 5 percent, they step into a whole new set of opportunities, and they step into opportunities that have a higher income potential for them, all of which redounds back to the benefit of our country in higher revenues, in a stronger economy, and in more innovation and economic development.

So we are going in the wrong direction is the way I would respond, and it is time, instead of doing what the Republicans in the House have suggested, which is to go even further in the wrong direction, even potentially eliminating this grant, calling it welfare, for Pete's sake—remember Amber. This is a woman with two children, working full time and going to school and what enables her to tie that together—the last piece, the keystone in the arch—is the Pell grant. You call that welfare? This is a welfare recipient? I do not think so. But that is the kind of attack these things are under, and it is not just institutions like Connecticut is famous for and Rhode Island is famous for—super high-end institutions that are internationally renowned—but it is also basic community colleges and technical colleges, places where people can get a solid career.

I know Senator TESTER wants to say a few words about that and then Senator LANDRIEU.

Mr. TESTER. Yes, I do. I thank Senator WHITEHOUSE.

We have talked about the unemployment rate and job opportunities for people who get higher education. I was talking to a welding shop in Fort Benton, MT. Fort Benton is in the north central part of the State. The oil play in the east has been having some impacts even in that area of the State. This welding shop that is in Fort Benton—I talked to the fellow, and he had some issues he wanted to talk to me about.

I said: What is one of the biggest things you have to deal with right now?

He said: Right now, I could hire a half a dozen welders. I could hire them tomorrow. The work is out there for them to do.

When we talk about getting this economy going again and getting things moving, it is so critically important we not only talk about the 4-year colleges that develop our entrepreneurs and businesspeople but we also talk about the community colleges, the technical colleges, the tribal colleges that do a great job developing a well-trained workforce.

With that, I will kick it over to Senator LANDRIEU.

Ms. LANDRIEU. Madam President, I am so happy to join my colleagues who have done a beautiful job this morning expressing the importance of Pell grants to not only the individuals and their families but to the economic vitality of our Nation. I thank Senator WHITEHOUSE, who has taken up this as a cause. We need a champion for Pell grants.

I am here to help him and to help Senator TESTER, who stepped forward to be a leader as well, to say to them that when I go back to my State and check—the Senator from Connecticut knows this—when I go back to my State, what I hear is: Senator, without Pell grants, I could not make this happen. Senator, without Pell grants, my parents could not afford it.

It is not the whole part of tuition, but I think, as Senator WHITEHOUSE has said, it is the keystone, it is the cornerstone, it is the centerpiece, it is the foundation of what our students—and some of our students who are parents who are raising two and three children, holding down one or two jobs—we cannot pull that out from underneath them, I say to the Senator. We just cannot do it.

Secondly, I would say I know we have to find a way to balance our budget. I just left the Go Big Conference. I am one of the ones who is standing in the middle, hoping we can come up with not a $1.2 trillion solution but a $4 trillion solution. This is tough. This is hard. But one of the things that should not be on the chopping block is Pell grants, not because it is a government program—we have to cut back government programs—this is the seed corn. This is the seed corn, I say to the Senator, for our future vitality as a nation. We need to be sending more kids to college, not less. We need to be producing more engineers, not less; more mathematicians. This is our basic grant program.

So I just wanted to come to the floor and join you all. I say to the Senator, I want to personally give you letters from people—children and adults—from my State. I have a letter from a student from Tulane University, a letter from a freshman named Araisa at Loyola University, and a letter from a young man named David, who attends Louisiana Tech University. These letters speak for themselves. I will put them in the RECORD, but, I say to the Senator, I wish to also actually give them to you because I want you to be able to hear from students from Louisiana as well as Rhode Island, and I tell the Senator that I want to join the Senator in this movement to not throw out the seed corn while we are trimming the hedges.

Madam President, I ask unanimous consent that the letters I referred to be printed in the RECORD.

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

SENATOR LANDRIEU, I am a third-year premedical student at Tulane University with a major in Cell and Molecular Biology and minors in Spanish and Business. . . .

I am in support of the Pell Grant because I would like to continue my education at Tulane. . . . I've watched my parents struggle over the years just to enroll me into private schools to ensure that I receive a good education, and I seek to follow their honorable example. Their financial hardships have inspired me to pursue an improved lifestyle. I hope to take these obstacles and utilize them for what they're worth, applying persistence, dedication, and passion towards my ultimate goal of attaining a medical degree.

I love being challenged by my classes and having the opportunity to represent my hometown of New Orleans in an extraordinary way, and Tulane allows for both of these things. I know that with the help of the Pell Grant, I can continue to study at Tulane University and someday be of great service to my family and community. . . .

Sincerely,

CONCERNED COLLEGE STUDENT.

DEAR SENATOR LANDRIEU, My name is Araisa and I am a freshman at Loyola University New Orleans. I am majoring in accounting and music industry studies. . . . The Pell grant makes it possible for me to go to Loyola, a university that has a much higher graduation rate than the other schools I was considering. The Pell grant also helps my family avoid the burden of loans. I'm so grateful for the opportunity.

Sincerely,

ARAISA.

DEAR SENATOR LANDRIEU, My name is David. I attend Louisiana Tech University. I major in Business-Marketing. I would like to create my own products and put them on the market. The Pell grant makes a huge difference, because without it I would not be able to afford the classes required for me to receive my degree. Without the Pell grant, my plan would not be what it is today actually, and thanks to the Pell grant, I will guarantee success out of what I was given. I'm so thankful for the Pell!

Sincerely,

DAVID.

Ms. LANDRIEU. I hope people understand there are differences in some government programs. This is a partnership between the Federal Government and our own individual citizens, a partnership with them and a partnership with the universities, saying: We

believe in you. We believe in the future of our country and this is our investment and it should not be cut.

I am sure the Senator from Connecticut hears this in Connecticut.

Mr. BLUMENTHAL. I thank the Senator. If the Senator will yield?

Ms. LANDRIEU. Yes.

Mr. BLUMENTHAL. I agree wholeheartedly with everything the Senator has just said so eloquently about the importance and the partnership of the Pell grants, and I would like to again ask a question to my colleague from Rhode Island, whom I thank, by the way, for organizing this colloquy. His leadership on this issue has been so instrumental, carrying on the great legacy and tradition of Senator Pell.

Isn't it a fact, I ask Senator WHITEHOUSE, that throughout its history, the Pell Grant Program has enjoyed strong bipartisan support; there has been nothing partisan or Republican or Democratic about advancing American higher education in this way?

Mr. WHITEHOUSE. Yes. That is a great point, I say to the Senator. One of the unfortunate aspects of the current condition we have in Washington, DC, is that a party that has long supported Pell grants—it has long enjoyed bipartisan support—has suddenly, after—what has it been, 30 years of support for the Pell grant—has suddenly walked away from it, has suddenly decided: No, we have a new agenda. Helping people who cannot otherwise afford college to have a chance to go to college, without carrying that trillion-dollar burden of debt and to be able to move up into the college-educated economy and into the opportunities and potential that creates, that is not what we are interested in any longer. We are interested in other things.

Clearly, they are interested in protecting the tax breaks for people making over $1 million. We tried to get jobs legislation through here. It was paid for with a tiny tax only on the dollars over $1 million that people earning over $1 million earn. On the first million dollars, there is no difference. The second million dollars is where it started to kick in. No, no. We stopped jobs legislation over that. But when it comes to a kid who cannot afford college, that is a program they suddenly want to take a whack at. I think it is regrettable because there is a long history of very honorable, sincere, and enthusiastic Republican support for the Pell grant. Frankly, there is nothing Democratic or Republican about an American young person having the chance to begin to climb the ladder of success. That is a common American dream. That is common to both parties. Yet now, in this strange environment we now have to inhabit in Washington, this other party has decided: No, we are walking away from that.

In the House, they tried to knock more than $1,750 out of the average grant. They would have put nearly 5,800 students in Rhode Island off the Pell grant. When we hear from people such as Amber, who would not be able to do it but for that—this group I spoke with at URI was so impressive. We had regular students who were right in line. We had the nontraditional students, such as Amber, who had their kids. We had faculty who years ago had gotten their Pell grants and now they are teaching others. They have made a career in academia as a result of that first foothold they got in higher education through the Pell grants. How one would want to cut it at that point by that much, when we have these people—it is just enough to make it possible for them. When we cut it by over $1,750 for a lot of those kids, for a lot of those working moms, it means: No, we are pulling, as the Senator said, the rug out from under them. They do not get that chance.

We all win when young Americans step forward. Everybody in America wins when young Americans reach their full potential and create industries and do a great job and save lives as surgeons or nurses or EMTs and pay revenues through their taxes through their successes to support our great country.

Ms. LANDRIEU. I would say this program is one of the most effective antiwelfare programs in the country that we fund in Washington. A student from Xavier University wrote in. This student is a first-year student majoring in biology, in premed. This is an African-American Catholic University—the only one in the country and it produces more premed students and more doctors than almost the largest.

Madam President, I know we have just 1 minute. I ask unanimous consent for 1 more minute.

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

Ms. LANDRIEU. Madam President is the product of a single-family home and was the only individual employed in her household. So as she is going to school, she is also employed, supporting the whole household, basically keeping them off other government programs that might not be as effective.

The Senator's, leadership is to be commended. I thank him for it.

I am going to submit more of these specific stories from specific students and families for the RECORD so people understand this is not politics. This is just trying to do what is smart for our country and to do what is right for these young people who are trying so hard.

Madam President, I ask unanimous consent that this material be printed in the RECORD.

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

ADDITIONAL STORIES FROM LOUISIANA STUDENTS

Student A from Xavier University is a sophomore, majoring in chemistry/pre-pharmacy. During the last two years of high school, she became homeless. She relied on friends and grandparents until she found an apartment during the end of her senior year of high school. Then she worked two jobs to keep a roof over her head. As a student without parental assistance or scholarship funding, she receives $5,500 per year. She would be unable to remain in college without Pell Grant assistance.

Student B from Xavier University is a first-year student majoring in biology/premed with the goal of becoming a specialized surgeon. She is the product of a single-parent home, and was the only individual employed in her household before enrolling at Xavier. She has paid the balance of her tuition and expenses but still owes Xavier $3,000. This amount must be paid before she can take her final exams. If she loses her Pell Grant, she would owe an additional $5,500. She is the first person in her family to attend a four-year college. Receiving the Pell Grant helped make that possible.

Student C from Loyola University at New Orleans is a first-year visual arts student. He had a 3.0 GPA at the midterm of his first semester. He is a work-study student in graphic arts and has to spend a lot of his earned money on art supplies. He receives the full Pell Grant, $5,550 per year. Without these funds, his mom would not be able to afford to send him to Loyola, or likely to any 4-year university. His mom is his primary next of kin—she is not employed and currently lives in a shelter.

Student D from Loyola University at New Orleans is a sophomore pursuing biochemistry. She is from Mississippi and wants to be a doctor or biomedical engineer. She has a work study job on campus. She receives the full Pell Grant, $5,550 per year, and could not afford to be there otherwise.

Ms. LANDRIEU. I thank the Senator.

Mr. WHITEHOUSE. Madam President, I will yield the floor with appreciation to my colleagues, Senator LANDRIEU, Senator TESTER, and Senator BLUMENTHAL, for coming together to urge our colleagues to support the Pell grant.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, is it time to begin the Republican time?

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Madam President, will you let me know when I have used 4½ minutes?

The ACTING PRESIDENT pro tempore. Yes.

Mr. ALEXANDER. Thank you, Madam President.

BOILER MACT RULE

Mr. ALEXANDER. Madam President, last week during the debate on clean air, in which I opposed overturning a rule that allows dirty air from other States to blow into Tennessee, costing us jobs, and hurting our health, I said: Why should we be picking on a good rule when the Environmental Protection Agency is a happy hunting ground of unreasonable regulations.

I just wish to take a moment to talk about perhaps the foremost of those unreasonable regulations, which we call the boiler MACT rule. This is a regulation that will force thousands of industrial boilers around America to

install the maximum available control technology on their boilers. This is important in order to clean the air of such pollutants as mercury.

That is a good idea. What is a bad idea is EPA only gives 3 years for companies to install this technology, a time frame that is completely unrealistic. This is not like a lot of the other clean air laws and rules that have been around for years; this is an unexpected new rule on thousands of industrial boilers which are essential to our manufacturing jobs in America.

First, there is not enough time to comply with the rule, and second, EPA used a flawed methodology in determining what fuels could be used. As a result, little businesses and big businesses all over America are going to be forced to spend hundreds of millions of dollars trying to comply with this rule instead of spending that money on creating jobs.

That is just not one Republican Senator saying this. We have 12 Democratic Senators and a number of Republican Senators who have introduced legislation. Senator COLLINS is the leader of this effort. I am a part of it. So is Senator WYDEN, Senator PRYOR, and Senator LANDRIEU. What we are saying is, let's give the EPA enough time to fix the rule. Fifteen months is what EPA has asked for. Let's give the EPA additional authority to use the correct methodology so they can write a rule that makes some sense and does not act as though it is delivered from Mars or Venus or some other planet, and then let's give the industries enough time to comply with the rules, instead of 3 years, which is what the rule suggests, we will give them 5 years.

Let me try to give some sense of the impact of this unworkable rule. Its estimates that this rule will result in a loss of 340,000 jobs nationwide. We just passed, in a bipartisan way, three trade agreements which the President said would create 250,000 jobs. It took us 3 years to do that. It was something Republicans and Democrats agreed on. We thought that was a big step forward. Yet here we are allowing this agency to go forward with an absolutely unworkable rule that will cost 340,000 jobs. In my State of Tennessee, the cost to businesses is $530 million.

I have talked to owners of small businesses who are facing a $1 million cost to try to implement this unworkable rule on their boilers. They have told me they will close their plants. They cannot possibly afford it comply with this rule in this short of a time period.

I have talked to large industries that are affected. Eastman Chemicals is one, they've been in Tennessee forever. It is as an important part of our State as the Great Smoky Mountains are. Thousands of Tennesseans work there. This is what they say: They are going to spend more than $100 million over and above the work they have already planned in order to bring five Eastman boilers into compliance with the EPA regulations.

This is a company with $7 billion in revenue. They are going to survive. But some jobs will not. Instead of creating jobs with that money; they will just be trying to comply with an unworkable government regulation. The majority leader said on the floor: Regulations don't cost jobs. Here is a prime example that shows unworkable regulations do cost jobs. And 12 Democratic Senators and at least as many Republican Senators agree on that. We have a bipartisan way to fix this rule. The House, in an overwhelming bipartisan vote, agreed with us by passing similar legislation.

I want to call this Collins-Alexander-Wyden-Pryor-Landrieu legislation to the attention of the public, to the attention of the Senate, and say, there are some regulations that are before us that need to be changed. They are costing jobs. This is not Republican rhetoric or Democratic excuses. It is Republicans and Democrats saying to the EPA: We want to give you the authority to write a good rule. We want you to fix the rule. We want a clean air standard. We do not want to change the end result of the rule, but we want to give you enough time to write the rule. We want you to be able to use the correct method in writing this rule so companies can comply. And we want to give companies enough time to install these technologies so they can make reductions in these harmful pollutants.

The ACTING PRESIDENT pro tempore. The Senator has used 4½ minutes.

Mr. ALEXANDER. This is a rare piece of legislation, something we agree on across the aisle, that could immediately save 340,000 jobs, that keeps the clean air rule the EPA has proposed, but simply gives them time to write it properly, the authority to write it properly, and businesses the opportunity to comply with it within a reasonable period of time.

I hope we will adopt it.

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

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

The bill clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, and Senator COONS and I be allowed to engage in a colloquy for up to 15 minutes.

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

AGREE ACT

Mr. RUBIO. Madam President, we are going to start today by talking about job creation in America. I wish to turn it over to Senator COONS to begin this conversation about a very important piece of legislation we filed jointly yesterday.

Mr. COONS. I thank the Senator.

Senator RUBIO and I have come to floor today to talk about our shared experiences. In my home State of Delaware, over the 1 year I have been a Senator—and over the years before that, I served in county government—I have heard from hundreds, even thousands, of families and individuals looking for work, deeply hurt and challenged by the ongoing slow economic recovery. Folks have come to us asking for opportunities for assistance, for promise and hope.

In reality, I think what is causing some real concern in this country, in my State and most likely in yours, Madam President, and most likely in Senator RUBIO's as well, is a broadly shared concern that we here in the Capitol, we in Congress, are not capable of getting past the partisan politics and making real progress in tackling the job-creating challenges before us.

Let me, if I could, quote from a couple of letters I have received from Delawareans in the last few months. Lawrence from Milford wrote my office: Congress needs to stop the political arguing and take positive action to make America and our economy strong again.

Janet from Wilmington wrote: I am the owner of a very small business. I have been in business 29 years and I have never seen it as tough as it is today.

Joseph in Smyrna summed it all up in a letter he wrote: Our economy needs jobs now.

Delaware is a great place to grow a business, to raise a family, to achieve success. But we have the toughest economy we have seen in generations. The folks we represent expect us to act, and they expect us to find ways to work together and to get past the partisan divide that has made it so difficult for us to make progress.

I ask the Senator what sorts of things has he heard from his constituents in Florida, and how has that motivated the Senator to act?

Mr. RUBIO. Let me point out a couple of things before we begin; that is there are a lot of issues in this process we are not going to agree on. There is an ideological divide about a lot of major issues—the role of government, how do we get the economy growing again, and what government can do about it. The people of America recognize that. They recognize that issues of that magnitude ultimately are solved at the ballot box. You elect people. People run for office on their competing visions of government's role, and you decide those elections. We are going to have one in November of 2012.

But what do we do over the next 12 months? Do we stand around and do nothing and continue to bring up pieces of legislation from both sides of the aisle that we know are going to fail, just to make political points, or do we actually begin to act? There are a lot of reasons why I think we need to act.

I want to share with you an e-mail I received from Stephanie, who lives in Vero Beach. It breaks your heart. I

think it is very typical of the ones Senator COONS probably has gotten, and I bet you all of the other Members of this institution have gotten.

She writes: I am not sure who to turn to with this question. I am a true Floridian. I was born and raised in Florida. As you know, the unemployment rate is horrible and I had to file for unemployment benefits for the first time ever. And I was just informed that I exhausted my benefits. Where do I turn for help? There are no jobs available. I have searched for a job daily and get excuses such as: You don't have enough experience, or you are overqualified, or I am suggested to go back to school. How am I going to go back to school if I have no money to pay for school or have no job and no money to pay my bills.

It goes on to outline other problems. But at the end it says: Many people like myself have nowhere to turn. Hopefully you can help me or at least suggest what I can do. Thank you for your time.

There is the voice of real desperation, of real people in the real world who want to work, have always worked, and cannot find a job. This is the No. 1 issue in America. There are a lot of issues floating around here and they are important issues. But this is the No. 1 issue in America of everyday, hard-working people who cannot find a job.

Can government create jobs for them? In government. But, by and large, there are things government can do to help create an environment for job creation. So what we have done is we have sat down and we have analyzed what things we have agreed on. There are things that are the President's plan, that are also in the Republicans' plan that the House has passed, that our colleagues have filed. What we came up with is this piece of legislation that Senator COONS is going to describe in a moment.

It is literally sitting down. It is a collection of bills we have agreed on. What people want to know is, I understand you are going to have arguments about the things you disagree on, but why are you arguing about the things you agree on?

Maybe this is a good segue for Senator COONS to start describing some of the measures that are in this bill, the things we agree on, the things we can act on and do right now to help people such as Stephanie and people in your home State and people in every one of the States in this country who are struggling to find a job and are looking for some ray of hope that this process here in Washington has an understanding about what they are going through and are actually willing to do something about.

Mr. COONS. We together yesterday announced the introduction of the AGREE Act, the American Growth Recovery Entrepreneurship and Empowerment Act, which conveniently spells out ''agree.'' The core principle, as Senator RUBIO described, was for a real Republican and a real Democrat to look through all of the different ideas that have been put out there, in the President's jobs bill, by the President's Council on Jobs and Competitiveness, by Members of the Senate and the House from both parties, that we could come to agreement on, and to put them into a bill packaged to assemble all of these ideas and to put them out and hopefully we will pick up cosponsors, hope it will pick up steam, and hope we can demonstrate to the American people, to the families Senator RUBIO and I have heard from in letters and e-mails and tweets, who have expressed real concern.

The basic big-picture proposals in this bill are, first, extending tax relief for small businesses. There are three different provisions that have already been in law but that would be extended by this bill: for capital gains exclusions for 5-year investments in qualified small businesses, for accelerated depreciation, and for increased expensing, all of which would help small businesses invest in growth; encouraging cutting-edge research and innovation by making permanent the R&D tax credit, and by adding something to it that I think has real potential, an added incentive for companies that invent something here to manufacture it here; another, commonsense regulatory relief for fast-growing businesses that seek to go public; another, an idea originally championed by Senator CASEY, providing incentives through the Tax Code for veterans to become franchise owners and entrepreneurs; reducing some immigration barriers that prevent highly skilled workers who studied here from staying here; and now the last point, protecting American businesses from intellectual property theft, strengthening our ability to prevent counterfeit goods from coming into American markets by fixing a small but real barrier to effective border protection against counterfeiting.

All of these provisions are provisions that have already enjoyed bipartisan support in other settings. We have simply assembled them together, put them into a commonsense package, and want to move them forward.

I ask Senator RUBIO, what sort of response has our action gotten so far from people in Florida, around the country, who might have contacted the Senator about this initiative?

Mr. RUBIO. It has been a very positive response, and I will tell you why, for a couple of reasons. No. 1 is, every time people open a newspaper or turn on the television, what they get from Washington is bad news. A week ago, in a speech I gave, I said it resembles professional wrestling to them. It seems as though there are people from the Republican side and Democratic side who go on TV and scream at each other about what is happening. People watch it. And they get it, that there are differences between us. But is there anything—don't we all live in the same country? Are we not seeing the same economic conditions? What are the things we can work together on? Why are we not hearing that?

Let me tell you the impact in the real world of all of that bad news. The impact is that people get scared. So imagine for a moment, you are a job creator. You have got some money to invest this year. You have to decide, do I leave it in the bank or do I take this money and use it to grow my business?

Well, the safe thing to do is to leave it in the bank. But what job creators and entrepreneurs want to do is to create new jobs. They want to grow their businesses. Who does not want to grow their business? Who does not want to add customers? Now you have to make a decision. Is now the right time to grow my business or the wrong time?

One of the things people look at is the political climate. Are the people in charge of government—in Washington especially? That is the one that gets the most attention. How are they working? Are they getting things done? Is it positive or negative things that are happening?

As much as the measures here are meaningful—and we are not claiming this solves all our economic problems, but they are meaningful—if you are a small business looking to invest next year in buying capital investment for your business, there is an incentive to extend the tax credits to help you do that. More importantly, they will be able to open the newspaper and read that Republicans and Democrats came together and passed a piece of legislation on which they agreed.

I don't think you can underestimate or, quite frankly, really measure the kind of psychological impact that could have on job creators—to actually have some optimism that the future will be better, that tomorrow may be better than today. That, as much as anything else, is critical. All of us in public service, particularly those of us who serve in this institution—the Senate is a big deal. People pay attention to what we say here, to the good stuff and the bad stuff. They pay attention to what we do here and to what we fail to do here. I think it is important for all of us to recognize that our actions have consequences and the way we speak and comport ourselves in these debates. I think we need to recognize that some of the rhetoric and noise that has been made over the last 6 months to a year has hurt job creation because it has created negativity around the economics of this country.

We have an opportunity, with the passage of legislation such as this, to send a message on the things on which we agree; we can get things done. That is the impression I have gotten from people, which is a little bit of a surprise, but it is a sense of optimism that before this year is out, we will be able to pass legislation that is meaningful and bipartisan. Is that the same reaction the Senator from Delaware has gotten?

Mr. COONS. That is right. I have gotten immediate response from Twitter, e-mail, et cetera, in my office account. I got a tweet from Jason, who wrote:

Kudos . . . for introducing jobs-creating legislation. Good to see detailed plans rather than partisan bickering.

Another tweet said this:

If AGREE is a jobs act that can get passed, I, an American that cares about the unemployed, say ''thanks.''

Mary June from Delaware City wrote:

I think it is great to see a bipartisan approach to solving the jobs crisis in the United States. Thank you for getting past party lines and coming together to provide commonsense solutions.

Maria from Middletown wrote:

I think it is time for both parties to come together as you and Senator Rubio have to bring our country back to where we have people working again and families striving to achieve the American dream. The same dream that I had when I was growing up. The dream I thought my sons and granddaughter were going to live. The business as usual in Washington has to stop, and through this bill you will both prove to your fellow Senators that if you all work together, anything is possible.

To be clear, as Senator RUBIO said, there are real differences, real things that divide the parties. There is time ahead before the election to resolve those fundamental differences in values, approach, and priorities. But, while we can, we should come together with commonsense proposals that demonstrate to the American people that we can take ideas, Republican and Democrat, House and Senate, put them in a package and pass them on to the President, because 12 months is too long to wait.

As we all wait for the outcome of the supercommittee this week, I know confidence is one of the major issues we have concerns about—confidence in the marketplace, the confidence to take risks and invest, and the confidence to grow. In my view, this bill, this initiative shows that both parties can and do have confidence in American inventors, American investors, our veterans, and America's entrepreneurs.

I am grateful for a chance to work on this. I ask the Senator, what is the next step and where do we go from here?

Mr. RUBIO. The next step is to get as many people in this Chamber and in the House to sign on to this legislation and to get this done. We are open to suggestions about how to improve it. Maybe there are some things that should be in there. Maybe there are questions involving particular measures. We are open to suggestions. We need to get the ball rolling. Our time is about to run out.

I want to recognize that one of the ways to lose credibility is to exaggerate. The differences between our parties about the role of government, about the Tax Code, and about the debt situation are real. We will debate those. To my friends on the right and left—both sides—we have real differences, and this is the place to deal with it. We are blessed to live in a republic where we can debate our points of view as to the role of government. We do agree on certain issues, and we should work on that.

Today is an open invitation to our colleagues to join us, look at this bill, analyze it, and see if there is something you would like to add or maybe that we left out that should be in there. The more the merrier. To those who think there are things that maybe should be changed or improved in this bill, we are open to that as well. We want to get this done and deliver something to the American people as soon as possible that shows that here in Washington, DC, we can agree. I believe that would be a positive first step in the right direction.

Our time has expired.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, what is the parliamentary status now?

The ACTING PRESIDENT pro tempore. The Senate is still in morning business. The Republicans control 6 minutes 25 seconds.

Mr. ALEXANDER. Madam President, we will yield back the Republican time so that we can move ahead and report the bill.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2354, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2354) making appropriations for energy and water development, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Pending:

Reid amendment No. 957, in the nature of a substitute.

Reid amendment No. 958 (to amendment No. 957), to change the enactment date.

Reid amendment No. 959 (to amendment No. 958), of a perfecting nature.

Reid amendment No. 960 (to language proposed to be stricken by amendment No. 957), to change the enactment date.

Reid amendment No. 961 (to amendment No. 960), of a perfecting nature.

Reid motion to recommit the bill to the Committee on Appropriations, with instructions, Reid amendment No. 962, to change the enactment date.

Reid amendment No. 963 (to (the instructions) amendment No. 962), of a perfecting nature.

Reid amendment No. 964 (to amendment No. 963), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Madam President, it is my understanding that Senator BINGAMAN would like to speak on an amendment he has filed and Senator MURKOWSKI may well come down to speak on that, which is fine.

I will yield to Senator BINGAMAN to do that now.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I appreciate the opportunity to speak briefly about an amendment Senator MURKOWSKI and I have filed.

There is a provision in the Energy and Water appropriations bill, which we are considering in the Senate, that we would like to see stricken or deleted from the bill. It is a provision in the legislation that mandates the sale of $500 million worth of oil from the Strategic Petroleum Reserve, or SPR, as it is called. The bill also ends the Royalty-in-Kind Program. That part I am not disputing at this point.

The language in the bill that we are concerned about is on page 41. It says in that part of the bill:

Notwithstanding various other provisions, the Secretary of Energy shall sell $500 million in petroleum product from the reserve not later than March 1 of 2012, and shall deposit any proceeds from such sales in the general fund of the Treasury.

In the words of the Department of Energy:

The Strategic Petroleum Reserve exists, first and foremost, as an emergency response tool the President can use should the United States be confronted with an economically threatening disruption in oil supplies.

The SPR is our Nation's insurance policy against oil supply disruptions, and keeping it well stocked and operational is important to our energy security. I believe that is a view shared by Democrats and Republicans.

The SPR became filled to its maximum capacity of roughly 727 million barrels for the first time in its history in the year 2009.

The President, in the budget he submitted—the 2012 budget—proposed a sale of oil from the SPR that would generate $500 million in revenue for the Federal Treasury. The administration explained that because the SPR was at maximum capacity, it needed to sell off some oil for operational purposes. They needed extra space in the SPR in order to move oil around within the system and to refurbish some of the underground salt caverns in which the oil is stored.

However, this past June, there was an emergency drawdown, and there was a sale of 30 million barrels of SPR oil. I understand that the emergency sale generated more than $3 billion. This indicates to me that more than six times the amount of oil that the President thought was necessary to be sold for operational reasons has now been sold.

Clearly, the President's proposal from February to create a little free space in the SPR is no longer necessary. The concern we have is that the SPR sale provision in this legislation remains part of an appropriations bill,

and the sale is no longer necessary for operational purposes; it is simply a way of generating revenue.

I hope my colleagues will consider the long-term implications of using our strategic oil stocks just to generate revenue for the operation of government on a weekly and monthly basis. I believe this is a bad precedent. I believe we should reject this part of the legislation, and if the opportunity presents itself to offer the amendment, I will urge our colleagues to join us in deleting this provision and ensuring that future revenue-generating sales of SPR oil not be accomplished or proposed simply to pay the ordinary operating bills of the various agencies covered by the legislation.

I know my colleague from Alaska is expected to come to the floor in the next few minutes and give her views on this same legislation that she and I are cosponsoring, the amendment I have just spoken about. Until then, I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Madam President, I thank Senator BINGAMAN for his comments. He has been an excellent chair of the committee.

It is our understanding that these points were never brought to the committee. However, I am told the Energy Department has told my staff that the budget request is valid due to the Department's need for operational flexibility.

I want everybody to know that the floor is open. If you filed an amendment, please come down to speak on it. If you want to file one, please do so as quickly as possible. The floor is open for amendments.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Madam President, I have come to the floor this morning to discuss a provision in the Energy and Water appropriations bill that apparently Senator BINGAMAN has just spoken to. This would require the sale of $500 million worth of oil from our Nation's Strategic Petroleum Reserve or we call it the SPR. I do believe this is an inappropriate use of our limited emergency stockpiles, and I think it would also set a dangerous and an unsustainable precedent for the future.

As I understand it, the administration first requested this sale in its fiscal year 2012 budget proposal and justified it by asserting there was an integrity issue in one of the caverns where the SPR oil was stored. We heard this discussion before the Energy Committee some months ago. He asserted the sale was necessary because DOE had to drain the oil in that cavern to perform some repairs that were apparently necessary.

The House Appropriations Committee subsequently authorized the sale in its version of the bill which was then released in June. At that point in time, based upon DOE's representation, I guess it was kind of hard not to argue the sale was not justified. But then events took a different course. Several weeks later, as part of a coordinated effort with the IEA to increase global supplies, the President chose to sell about six times more crude from the SPR than the House had originally contemplated.

Whether one supported that sale or not, I think it would have been reasonable to assume or to expect the administration would sell the crude from the cavern that needed the repairs. They needed to get that out so they could do the necessary repairs. So when an unannounced sale comes along, one would think they would take the oil from that cavern, thereby solving at least one of the problems and obviating the need of a future maintenance-related sale. Enough oil has now been sold from our emergency reserves to fill not one but six troubled caverns.

The only justification that can remain now is the need for more cash. We need more money. Given that background, I would encourage the Senate to consider that selling $500 million worth of our emergency oil reserves right now simply to help offset other appropriations is akin to cashing out our insurance policy in order to cover the cost of a mortgage we can't afford in the first place.

The SPR was designed to be that emergency safety net, if you will, or like an insurance policy. Remember, there is a very good reason why we have this insurance policy in the first place. Congress created the SPR in the aftermath of the oil embargo back in the 1970s to serve as a safety net in the event we were to see a major supply disruption. Given the volatility that continues to churn the global markets, our strategic stockpile is arguably more important today than ever before. As long as we maintain a large volume of oil within the SPR, we will ensure Americans have some level of protection against future disruptions. If we decide not to take the long view, we face the very real risk of being forced to spend more tomorrow to repurchase the oil that is being sold today.

One may ask: How likely is any kind of a future disruption? I would say the odds are still higher than we would like. Our Nation remains roughly 50 percent dependent on foreign oil, importing close to 9 million barrels a day at the cost of hundreds of billions of dollars a year. The world, as we know, is not exactly stable. Large volumes of Libyan oil remain offline. Iran continues to provoke its neighbors, raising the specter of future attacks. Saudi Arabia's leadership is aging rapidly, leaving the door open to perhaps future unrest and upheaval. China, India, and many of the other countries are rapidly expanding their oil consumption and, in the meantime, forging close relationships with major suppliers that can be leveraged in times of emergency.

Here at home, the Federal Government continues to hinder the development of new supplies that would improve our energy security and reduce the need for a strategic reserve. We have seen development halted or delayed in Alaska in the northern part of the State, in the Rocky Mountain West, and a number of other areas. The new 5-year leasing plan for offshore development does take a few small steps, but it keeps both the Atlantic and the Pacific coasts under a de facto moratorium through at least 2017. The administration has also delayed its decision on the Keystone XL pipeline. We just saw that news this week. This would have carried significant volumes of Canadian oil. Again, that is oil from an ally, from a neighbor, that would have brought that into this country.

The result is, we are not doing, in my opinion, nearly enough to reduce our dependence on foreign oil, so we still need a Strategic Petroleum Reserve, and we cannot treat it as a national ATM that can be tapped when the money is tight. That is not the reason we should have or the way to utilize the SPR.

I wish to share a quote from a witness who testified before the Energy Committee earlier this year. His name is Kevin Book. He is a real expert on energy policy, and I think he made quite an impression on our committee. He encouraged us to seek alternatives to petroleum, but he also said:

> Selling oil out of the Strategic Petroleum Reserve to pay for efficiency gains and alternative fuels could seriously diminish U.S. energy security without necessarily delivering financial benefits.

For anybody who might be interested, I am happy to provide a copy of his testimony. I think it was quite useful in understanding why this approach is not appropriate at this point in time.

As we seek to pay for legislation that comes before us—whether it is this appropriations bill or something else—I continue to believe one of our best paths forward is to produce more of our own abundant resources and then put the resulting Federal revenues to good use. Instead of selling our emergency oil and risking future dilemmas, we should, instead, put policies in place that expand and that accelerate the pace at which we develop our immense natural resources.

Right now, Alaska has about 40 billion barrels of oil that are just waiting

to be tapped for the good of the Nation. I keep saying we have money that is buried in the ground up there. If we harness those resources and more of the resources in the Gulf of Mexico and the Rocky Mountain West, we would be dramatically increasing our energy security, we would create tens of thousands of new jobs, and generate billions and billions of dollars year after year that could be applied to both deficit reduction and the development of new energy technologies.

I would encourage the Senate to support any amendment that strikes the SPR provision in this bill and encourage us, instead, to focus on the development of a more viable long-term energy policy.

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

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

The bill clerk proceeded to call the roll.

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

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

THE SUPERCOMMITTEE

Mr. SESSIONS. During the summer, Democrats and Republicans in Congress, as Americans well remember, had a big fight over trying to reduce spending as we approached the Nation's debt limit.

As we know, the product of that fight was a leadership-brokered deal that promised long-term savings in discretionary spending of around $900 billion over 10 years, not just in 1 year. It also created the Supercommittee, which has been meeting in secret to find another $1.2 trillion in possible savings. We hope they do and they should, frankly, find more in savings. Whatever they come up with must be voted on in the Senate without any amendment and cannot be altered in any way. This is concerning to me. Virtually every deal we have seen this year has been filled with promises of savings, but when we analyze them, the savings are not nearly as real as promised. So we do not need another plan with tax hikes that never go away and promises of spending cuts that do not materialize or are not continued.

Indeed, the debt limit deal, which produced the Budget Control Act this summer, claims to contain a spending cap, but that is not accurate. It is a phony cap. The cuts that matter most are, in many respects, those that of course take place right away. But, after all of the bickering and drama, we ended up with a deal that cut discretionary spending by only a paltry $7 billion from the fiscal year 2011 discretionary budget. To put this number in perspective, the total outlays for 2011 are $145 billion greater than 2010, and our deficit is nearly $1.3 trillion—$1,300 billion deficit. We are talking about promising a $7 billion reduction in spending. Nevertheless, $7 billion in discretionary cuts, at least, is real and a small step, in the right direction; right?

We are supposed to spend $1,043 billion this year. That is $7 billion less from the $1,050 billion in discretionary spending from last year. Unfortunately, this is one more empty promise, because the legislation was rushed through—this Budget Control Act—in the eleventh hour at the fifty-ninth minute. Nobody, at that time, knew there was a gimmick in it.

Here is how it worked: The Budget Control Act created a cap adjustment for disaster relief funding. It took a 10-year average for emergency spending and estimated that to be $11.3 billion for 2012. But, this $11.3 billion in the Budget Control Act is a new fund, and it is spent by regular appropriations, not by 60 votes—as in the past for emergency spending—and it is above the $1,043 billion figure. So the truth is, the bill is not and never was $1,043 billion, as promised, a limit on spending to that amount, but $1,054 billion. Therefore, spending for discretionary accounts this year will be larger than last year.

The writers of the Budget Control Act went even further. They changed the Senate rule in this bill that was passed at the fifty-ninth minute of the eleventh hour to eliminate the 60-vote rule even for emergency spending, creating another loophole. So a 60-vote point of order—which has been used here over the years to challenge a designation as emergency spending—has been stripped as part of a bill denominated as a Budget Control Act, so the new fund can be spent—this $11.3 billion—at any time as a normal appropriation, as if it were within the budget and without a 60-vote requirement. This eliminates the pressure to stay within the budget to offset annual disaster spending as a number of us have been attempting to do in recent years.

For instance, if you have $2 billion in disaster spending as part of a specific appropriation, instead of eliminating $2 billion in waste somewhere else in order to keep your total spending within the budget, you have free access to the $11 billion fund and do not have to worry about offsetting a penny. You also do not need a vote for disaster funding approval. As a result, this little offset issue has grown as a tribute to the effectiveness of Senator TOM COBURN, who has been fighting to offset so-called emergency spending designations. The 60-vote requirement to pass the emergency bill gave him some leverage and ability to challenge the spending and challenge the appropriators in order to find offsets for the new spending. Instead of calling this the Budget Control Act, we should call it the Coburn control act. This is not a step forward for us.

The real spending cap now is $1,054 billion, $4 billion more than we spent last year. You only need to go through an emergency designation process if you want to spend even more than that, but you do not need 60 votes even for that. The irony here is that there was widespread belief, in this Chamber, that we needed to tighten the emergency spending designation, because it was being abused.

To give one unbelievable example, the Senate counted $210 million in the routine funding for the census as emergency spending. The census is in the Constitution and is required to be conducted every 10 years. How in the world can we say this is unexpected emergency spending? It is as routine as anything can possibly be. It was done because otherwise spending would be needed to have been cut by $200 million somewhere else. The Budget Control Act has succeeded in actually weakening the standard for emergency spending and creates one more loophole for the spender.

Again, the effect of the $11 billion fund is that it effectively nullifies the cap we were promised. The appropriating committee will have no incentive to achieve savings when they can spend every penny of the $1,043 billion base budget all while knowing there is still another $11 billion to be spent when they exhaust the first allotment. The evidence of this is before our very eyes. To date, in one form or another, seven appropriations bills have come before the Senate floor. Four of them have been voted on and passed. The Energy and Water bill is before us this week. We should have been considering each of these bills individually and doing our due diligence, but we haven't. They have been moved through in groups. But, I am glad this legislation, the Energy and Water bill, will be considered on its own, and not bundled with others as a mini-bus or omnibus as the Washington parlance goes. The bad news is that the seven bills we have seen on the floor have already increased spending by $9 billion. We are well on our way to using every cent of the $11 billion fund, with no effort to achieving savings elsewhere to stay under budget.

The Energy and Water bill on the floor now increases spending by $1 billion. That may seem small in Washington terms, but it is the reason we are going broke. A billion here, a billion there, pretty soon it is a great deal of money. If we can't, honestly, even reach the paltry goal of $7 billion in savings, how on Earth can we tackle our $15 trillion debt?

Or consider food stamps. Federal welfare spending is now about $700 billion a year. It is more than $900 billion a year when you count state obligations or contributions to the same programs. Food stamps are the fastest growing major item in the welfare budget. They have quadrupled in 10 years. The Food Stamp Program is one of 18 federal nutritional support programs in the budget—1 of 18. The number of people receiving food stamps has climbed from about 1 in 50, when the program went national, to almost 1 in 7 today.

Some of the more than 45 million people receiving food stamps exceed the program's eligibility requirements. They have higher income or higher assets than you are supposed to have to qualify. But, they received the benefits because they get them as a reciprocal benefit for other Federal benefits they get. If they qualify for one program, they are then categorically entitled to the Food Stamp Program even though they do not meet the basic requirements. And reports of fraud and abuse are widespread.

We were promised recommendations by the chairwoman of the Agriculture Committee, Senator STABENOW, for how the supercommittee could achieve savings in the agriculture budget of which food stamps is the largest component of the entire agriculture budget, by far, dwarfing other expenditures, such as aid to farmers. They were supposed to arrive, the Senator promised, by November 1, but as of now, we are still waiting.

The sad truth is our Democratic-led Senate has not met its responsibility to help this Nation confront its most serious threat, and that is the debt we have. It is the greatest economic danger of our time, as we have repeatedly been warned. If we ultimately fail to control Federal spending, which has nearly doubled in 10 years, we will experience a debt crisis that leads to loss of jobs, loss of growth, and loss of economic opportunity. Such a crisis will hurt those with less income the most. It is our duty to stop the occurrence of this very preventible tragedy.

Instead of the irresponsible spending favored by the political class, it is time for Washington to be more accountable, to focus on the middle class. That means creating jobs through the private sector, producing more American energy, keeping our wealth at home, making the government lean and productive, a servant of the American people, confronting our dangerously rising debt, which threatens our economy and jobs, adopting a globally competitive tax code, upholding the rule of law and trade, eliminating unwise, damaging regulation, and finally, delivering the good people of this country the honest and responsible budget they deserve.

We have a long way to go. I am disappointed we cannot even comply with the intent of the Budget Control Act passed this summer.

I thank the Chair.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN of Ohio. I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

CHAINED CPI

Mr. BROWN of Ohio. Mr. President, the supercommittee we all talk about—and it meets mostly in secret—is putting out plans and ideas to deal with the deficit—some, I am sure, good; some a little less good. I am concerned about one thing the supercommittee has been talking about—the stories that have come out that I know about, and that is something called the chained Consumer Price Index.

I know that many conservative politicians in this body and down the hall in the House of Representatives have advocated that we change the Consumer Price Index to something called the chained Consumer Price Index.

The way the Consumer Price Index is calculated is especially important for senior citizens because their Social Security cost-of-living adjustment—called the COLA—is predicated on how the cost of living is calculated.

Right now, the cost-of-living adjustment is based on the Consumer Price Index-W, which means it is determined by wages, the cost of living for people in the workplace. It is not determined by the cost of living for retirees even though it affects what retirees get in their cost-of-living adjustment.

That sounds like a lot of words, but here is what that means. It means that when you figure the average increase in the cost of living for the American people—and you are only looking at those who are employed, so they are more likely to be in their twenties, their thirties, their forties, their fifties, maybe in their early sixties or a little older. So if you are only looking at that, the cost of health care is a less significant cost for them in their daily expenses and their monthly expenses and their annual expenses than for someone who is retired.

So I am going to introduce legislation soon that will change the Consumer Price Index-W—wages—to the Consumer Price Index-E, for elderly. The reason is because if you are 70 years old, your cost of living is much more fueled by the cost of health care than if you are 30 years old.

I know Senator MIKULSKI has been a real leader in this, and she is one of the immediate prime cosponsors of our legislation. She has had a terrific record here in the Senate, the senior Senator from Maryland, in fighting for fair play, a fair, strong Social Security and Medicare system, against these plans from conservatives around here to take Social Security and turn it over to Wall Street, to take Medicare and turn it over to the insurance companies.

But our legislation would make it fairer so that seniors would actually have a cost-of-living adjustment based on their cost of living. What is wrong with that? Instead, conservatives around here want to go the other direction, which would reduce the cost-of-living adjustment by this thing called a chained CPI.

The way this chained CPI works in a nutshell is this: If your cost of living is $100 a week, and the chained—instead of eating beef, you could save money by changing to chicken. So they are saying, under this chained CPI, that you should change to chicken and save X number of dollars so your costs would be less.

What this would mean—and I want to read you some statistics—if they get their way, if anti-Social Security conservatives around here get their way, it will mean that senior citizens will get significantly less than they would under the way it works now, let alone the way that we want to change it to, that Senator MIKULSKI and I want to change it to, this CPI-E. It would mean that seniors, by the age of 85, would be getting about $1,000 less in their Social Security. That is just not something we can do.

Here are the exact numbers. Under the chained CPI, a typical 65-year-old would get $136 less today than they would get under the CPI as calculated today. A typical 75-year-old—this is calculated each year, so it is a little bit like the reverse of compounding interest—a typical 75-year-old would get $560 less a year. A typical 80-year-old would get $984 less per year. A typical 95-year-old would get $1,392 less a year.

So what conservative politicians around here want to do—I know you have been on the right side of this, Mr. President, from Minnesota your whole career and before you came to the Senate too—what the conservatives want to do is cut the cost-of-living adjustment even more.

The last 2 years, there was no COLA, there was no cost-of-living adjustment for seniors. What conservative politicians—the ones on the supercommittee who want to do the chained CPI—what they are arguing is that you should have gotten a cut; that instead of no COLA, you should have gotten even less; that this way we do the COLA now is too much money for seniors.

Social Security is not part of the budget deficit. It is not the problem. It does not need fixing. Of course, we always need to make sure Social Security is viable, and it will be for decades in the future. We can make some minor adjustments. But in the name of cutting the budget, cutting Social Security cost-of-living adjustments really affects poor seniors and middle-income seniors. We know that in my State of Ohio and the Presiding Officer's State of Minnesota, Social Security—more than half of the people in my State get more than half of their income from Social Security. So we have no business cutting Social Security.

My legislation would actually be a fairer reflection of the cost of living and is preferable to what some people in this body and some people in the House of Representatives and in the supercommittee want to do—the so-called chained CPI. It is a terrible idea, the chained CPI. It is not fair to our seniors. It is not fair to our country. It is something that should be rejected out of hand.

Then, as we figure this out and move forward, we should think about, do we want to do the CPI-E based on the elderly cost of living, not the CPI-W, based on a 35-year-old's cost of living and how that is reflected.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING LLOYD G. JACKSON

Mr. MANCHIN. Mr. President, I rise to speak about an honorable, dedicated public servant and a good friend from West Virginia whom we lost last month on October 29.

Lloyd G. Jackson was a true West Virginian, born in our southern coalfields in a small town in Lincoln County on May 30, 1918. Throughout his 93 years, Lloyd Jackson always answered the call of service—whether it was for our great Nation or for the beautiful people of West Virginia.

Lloyd is the type of person who was well thought of by everyone who met him. From my own personal experience with Lloyd, I can say that I had the utmost respect for his humanitarian approach to every problem, most importantly for his professionalism.

Lloyd's love for country and deep commitment to public service started when he was a young man and enlisted in the U.S. Army in 1941, during World War II. Before he left the military, Lloyd rose to the rank of master sergeant.

After returning from war, Lloyd's commitment to his beloved family and public service continued. He pursued and expanded his family's oil and gas business, and through his business he created good-paying jobs and touched the lives of countless West Virginians.

In 1946, he was elected to serve in the West Virginia State Senate, representing his home region of Bonne, Lincoln, and Logan Counties. That same year a man well known to this body, Senator Robert C. Byrd, was elected to the West Virginia House of Delegates, and joined Lloyd Jackson in the West Virginia Senate in 1950. The two became lifelong friends. For nearly 25 years, Lloyd Jackson represented the people of the southern part of our State with the utmost distinction. Lloyd was known for his leadership qualities as a State senator, and he took an active role in national legislative organizations, such as the National Council of State Legislatures and the Council of State Government.

His peers recognized his leadership abilities and made him president of the West Virginia Senate. As Senate president, Lloyd demonstrated true characteristics of a dedicated public servant—leadership, passion, commitment, and persistence.

Lloyd G. Jackson will forever be remembered for his many years of unwavering service to the Mountain State and its people. However, Lloyd will also be remembered for his passion and dedication to his community and for touching the lives of so many. He was a faithful member of the Central United Methodist Church in Hamlin. Lloyd was a loving husband of nearly 63 years to Pauline and a caring father of two children, Suzanne Rabin of Eugene, OR, and Lloyd II of Hamlin, WV, and a proud grandfather of Lloyd III of Hamlin and Ryan of Palo Alto, CA.

Gayle and I are keeping his wife Pauline and the entire Jackson family in our hearts and prayers. While we know that Lloyd Jackson is gone, his legacy of public service and compassion for the people of West Virginia will live in our hearts forever.

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

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

AMENDMENTS NOS. 973 THROUGH 976

Mr. BLUNT. Mr. President, I want to talk about the four amendments I filed on this bill. I will say right upfront, all four are supported by my Missouri colleague, Senator MCCASKILL, so they are bipartisan amendments. Two of them would deal with a property ownership issue created by an infringement by Federal regulators, by FERC. They both deal with a private power generating dam that was built in 1931. It created a lake called Lake of the Ozarks, and over the years private property owners have constructed literally thousands of homes that on this map beside me are impacted. The houses are the red dots. The other areas in there are thousands of buildings of one kind or another on a lake that is one of the most used lakes in the country. Some people go to those houses on the weekend and a lot of people live there all the time. This is their home.

Since the 1950s, the Lake of the Ozarks has been the most visited lake by boaters in the Midwest. It is a lake that is not owned by the Federal Government. Tourism at this lake totals about $200 million annually. Because of this tourist industry there is lots of private investment.

In 2004, Ameren Electric, the current owner of the lake—it was built, again, in the 1930s by Union Electric, which later became Ameren Electric—applied to FERC to renew their license to generate power at Bagnell Dam, which is the dam that was built to impound the water that created the Lake of the Ozarks. This application also made sure that virtually all of the homes and structures would no longer be subject to the Federal Energy Regulatory Commission, but FERC rejected this request. The result has been a back and forth between Ameren and FERC and the property owners for the past 7 years.

This finger-pointing by everybody involved—except the property owners, who simply think they own the property—has been nothing short of outrageous and it has left property values, businesses, tourism, tax revenues, and jobs in question. FERC has taken its role too far. FERC is acting as though they are the Corps of Engineers and somehow the taxpayers of America own this property instead of the taxpayers who actually are the individual taxpayers who own the property.

On every acre of land covered by water, taxes have been paid. Property taxes have been paid on that land since the first dream that this lake would be created—so 80 years of taxpayer money. This is not a Corps of Engineers work where the Corps of Engineers can say we own the lake, we own the shoreland, we are going to decide what you are going to do. FERC has taken its role too far and it is engaging in a pattern of enforcing shoreline management rules.

My first amendment would simply modify the Federal Power Act by changing the definition of what could be considered a ''project purpose.'' Currently, FERC recognizes public recreational use of land but not private ownership. We would not say they could no longer recognize public recreational use of land, but we would say that they have to recognize private ownership. If FERC, at a lake such as this, can decide access to the land, why can't FERC or some other Federal agency drive by a farmer's farm and say: That is a nice pond out there. I will bet it has some fish in it. Why don't we ensure that everybody who wants to have access to that farmer's pond has access to that farmer's pond?

Maybe I should not suggest that. Maybe some Federal agency would hear that and say: It is water, it is pleasant, people ought to be able to enjoy it; everybody ought to be able to enjoy it just like the people who own the property and build the property and do their work.

My amendment would stop FERC from putting the commission's policy preferences above those of ratepayers and private landowners in licensing this dam.

My second amendment would simply redraw the boundaries of the Lake of the Ozarks to reflect the 662-foot contour as necessitated by changing water levels over the past 80 years. It would limit FERC's ability to issue an order to remove structures in what they now consider a project boundary until that boundary has been more finally settled. It would limit FERC's ability to reject applications as long as power generation is still preserved.

The purpose of FERC is to see that a power generating dam generates power. It is not to control everything that is

behind that dam. That is not the job of FERC. In fact, let me leave those two amendments with a few stories of Missouri homeowners who shared their stories with me about how FERC and FERC's actions affected their lives.

This is a 30-year-old house that these homeowners have paid property taxes on for 30 years. In fact, you can see this large pine tree in front of this house. It was a seedling when they started paying property taxes, and that is a big tree. They paid property taxes the whole time. It is their first home. It is their only home. They have been informed that they are within the Bagnell Dam boundary, meaning they risk losing their house. In fact, it is one of 17 homes in this subdivision facing the same problem.

In another home, Fred and Barbara Lowtharp purchased this home 15 years ago. It was built 35 years ago. These are not new homes that somebody has just put on this property in the last couple of years and FERC has come in and said you made a mistake. This is a 35-year-old home that the current owners have lived in for 5 years. Barbara shared this with me on Facebook. She said:

> We have been paying taxes and upkeep on our homes and new homes have been built around us within the last 2 years with permits and titles. These homes are not cabins. The majority of us live here year round.

This is according to the owner:

> We have our money invested in these properties in good faith when we bought them, going through the right procedures and thinking you are a property owner for over 16 years, then being told your deed isn't worth the paper it is written on is something that you cannot understand how this can happen in the U.S.A.

This is the Facebook note continued: ''Really feel bullied by the FERC agency and Ameren.''

We owe it to the citizens involved to see that the Federal Government doesn't come in and just simply take their property. It is not fair. Imagine, you get a new job somewhere, this is your home, you cannot sell your home and buy a new home because FERC suddenly decided, after 16 years of paying taxes, that your land is not owned by you even though the county tax collectors thought it had been owned by you the whole time.

Let me discuss quickly the other two amendments that deal with flood control. The Missouri and Mississippi Rivers have both been impacted dramatically by flooding this year. In Holt County alone, there was an astonishing 165,000 acres under water, most of it for 3 and 4 months. In Birds Point in the boot heel of Missouri, another 130,000 additional acres of farmland is under water. In total, we had over 400,000 acres, 600 square miles—something about the size of the entire State of Rhode Island—under water during parts of this year. Vital transportation corridors have been closed, highways washed out, businesses shut down and people have been dealing with this now for months.

My first amendment, amendment No. 976, cuts the bureaucratic redtape if all you are doing is putting back something that was there before the flood. If you are rebuilding a levee, if you are putting back things that were there before the flood, to rebuild levees or locks or dams that were damaged by the flood, you should be able to do it. You should not have to go through all kinds of studies to decide if the levee that you are putting back as it was and where it was can be there again. This is the only chance we have to get these structures back in place before the 2012 flooding season starts.

Of course, in 2012 it would not have to be a flood of this size to create great problems if the levee is already gone. That is what that amendment would do. It gives the Corps the tools they need to restore flood protection to the 2011 levels, hopefully before the 2012 runoff season begins.

I want to talk about amendment No. 975, which restricts funding of the Missouri River Fish and Wildlife Recovery Program to $22 million. This still leaves a lot of money for that program, but it takes the other money that has been available for that program all year and makes it available to meet the critical flood control crisis.

We have already spent more than $616 million on that program. This is essentially a program that is one of the big projects where the government buys land from willing sellers who want to let it become more of a wetland or a wildlife reserve, something such as that. I am not saying that willing sellers should not be able to do that, but I am saying for right now $22 million—not something more like $72 million—is enough.

In fact, we have had citizens in some of these counties call the Corps to be told truthfully: No, we don't have sufficient funds to restore the flood protection you are eligible for, but we could buy your farm. Imagine if you are on the other end of that call and you have a family farm and you are calling to find out what you can do about the levee or what you can do to get flood protection back, and they say: We cannot do anything about the levee, but we could buy your farm. If you want to go back to the kitchen table and decide if you want to sell out, the taxpayers of America have plenty of money to buy your farm, but, no, we don't have money to restore the levee that was protecting your farm just a few days ago. That is not acceptable.

That is why Senator MCCASKILL and I are cosponsoring all four of these amendments. We recognize that these issues are critically important in our State. In fact, the last two amendments are critically important in the seven States that start in Montana and end in St. Louis, MO, that are impacted by flooding in all seven of those States this year.

I hope we are able to consider these amendments, and I hope my colleagues will join me in trying to do what is right for the people we were sent here to work for.

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

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

(The remarks of Mr. HATCH and Mr. BARRASSO pertaining to the introduction of S. 1880 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. HOEVEN. Mr. President, I rise to speak in support of amendment No. 1045 to H.R. 2354, which is the Energy and Water appropriations legislation. This amendment rebalances funding for the fossil energy research and development account in the U.S. Department of Energy from within the existing budget. I want to point out that this action results in no additional spending. It is simply an adjustment within the existing budget.

You may have heard recently about the tremendous progress we are making in the State of North Dakota when it comes to oil and gas development. We are also developing many of our other energy resources as well. Over the past decade, through a comprehensive energy plan called Empower North Dakota that we have put together, we have advanced all of our energy resources in tandem, and we have done it with good environmental stewardship. That includes coal, wind, biofuels and, of course, oil and gas.

In a little more than a decade, North Dakota has grown from the ninth to the fourth largest oil and gas-producing State in the country, having surpassed oil-producing States such as Oklahoma and Louisiana. If our current estimates are on target, we will soon pass California and become the third largest oil-producing State in the Nation. That growth is the product of a progrowth legal, tax, and regulatory environment that we have built with the right kind of pro-business policies. At the same time we have, as I said, developed a comprehensive approach and a comprehensive energy policy called Empower North Dakota. In addition, we have put in place cutting-edge research, which has also been a very important part of our energy strategy for the State. It was new technologies and

methods such as directional drilling that brought the innovative research over the past decade to tap the abundant petroleum reserves of the Bakken formation and other shale formations in North Dakota's oil patch. Directional drilling has not only enabled the recovery of oil in hard-to-reach vertical layers of shale, but it has also enabled multiple well bores to be drilled from a single pad. The result is more oil but also a much smaller environmental footprint. That is good for the energy industry, that is good for the environment, and that is good for American workers, with tremendous job creation, and, of course, for our consumers.

My amendment would redirect research dollars within the budget of the fossil energy research and development provision in this appropriations bill, and that would include $5 million that would be provided for in the natural gas technologies research and development, and also $10 million would be provided for unconventional oil or fossil energy technology development. Both of these research and development areas are very critically important, not only for more energy development but again for doing it in an environmentally sound way.

Because this $15 million is offset with funds from within the fossil energy research and development budget, it results in no additional expenditure to the account. Obviously with our deficit and our debt, that is very important. What the amendment will do is empower research into the next generation of petroleum and natural gas technologies to produce more energy, again, with better environmental stewardship.

This amendment will fund research in a range of important areas, including using carbon dioxide to enhance oil recovery in mature oilfields and reducing the environmental impact of natural gas and oil development. Notably, this research will continue to drive and develop new technologies for gas purification to achieve near zero atmospheric emissions, an economic as well as an environmental goal.

In short, this is the kind of research that will help to increase our supplies of domestic energy, reduce our reliance on foreign energy and foreign sources, and hold down the cost of foreign energy for American consumers and American businesses—all with better environmental stewardship.

This amendment will help us do all of these things and much more, and I ask for my colleagues' support.

Also, while I have the floor, I wish to express my support for two other amendments to H.R. 2354. These include amendment No. 975 and also amendment No. 976. I am pleased to have cosponsored both of these amendments with Senator ROY BLUNT of Missouri.

As you are well aware, there has been extensive flooding along the Missouri River over the course of this past year, all the way from Montana and North Dakota and the upper basin, down through the State of Missouri and the other lower basin States. As a result, we have been working hard with our citizens to recover from that flooding.

One of the things we have pressed the Corps of Engineers to do as aggressively as they can is to provide more flood protection so we not only help our citizens recover from the flooding this year, but so we can do all that we can to prevent flooding next year. At the same time we are pressing them to take all of the preventive measures they can to reduce lake levels, reduce reservoir levels so we have adequate room and protection to prevent flooding next year, we are also working within their budget to make sure they have the resources to address these needs.

Amendment No. 975 essentially takes $50 million that is within the Corps of Engineers' budget that is now used for the Missouri River recovery program—meaning things such as building sandbars and some of the riparian areas along the river. Currently there is a total of $72 million in that Corps of Engineers account. What we are doing is saying that $50 million of that should be made available so they can utilize it to enhance flood protection. This is a critical need right now. They are working diligently to repair dams, dikes, and levees.

We are pressing for them to do more in terms of preparing as far as water levels throughout the upper and lower basin, and at the same time we are providing assistance in their budget by giving them the flexibility to use dollars where they need them to enhance flood protection. This is $50 million within their budget that can now be used to enhance flood protection, and I strongly urge my colleagues to support amendment No. 975 to H.R. 2354, again, giving the Corps of Engineers needed flexibility to provide flood protection that is so important to the people along the Missouri River in the upper basin and lower basin.

Amendment No. 976 essentially provides that same flexibility and assistance. Essentially it eliminates the redtape. It prevents the Corps from having to get new permits, new licenses, or new approvals as they work to repair and restore levees, locks, and dams. So as they work along the Missouri River—the entire length of the Missouri River—to restore those flood protection measures—whether it is a levee, a lock, dike, or dam, whatever it might be—we are waiving those requirements to get new permits and new licenses and new approvals so they can get that work done now, this year, and be prepared for next year.

Again, the flooding has been devastating and extensive along the Missouri River. In my home State, it is not just the Missouri River but along the Souris River, as well as other areas. The Red River and Cheyenne had a terrible time with flooding. We need to take the kind of steps that will help our people recover but will also help us prepare for the future so we don't face these types of floods next year or any other year in the future.

Again, I encourage support from my colleagues on these very important amendments.

I thank the Chair for this time.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

WASHINGTON'S SPENDING ADDICTION

Mr. DEMINT. Madam President, I was just listening to the news in my office, and I heard the report that the United States has gone over $15 trillion in debt. Of course, that is just our short-term debt. It doesn't really include our unfunded liabilities, which some estimate to be $100 trillion. But, nonetheless, $15 trillion is the size of our total economy—a condition that would mean certain bankruptcy for almost any business.

All of us in these Chambers have stood in awe, I guess, looking across the Atlantic at Greece and Italy and some of our European trading partners, and it seems amazing to us that despite their terrible fiscal condition, the politicians in Greece cannot even cut spending. They talk about cutting it, but the government employees are out in the street demonstrating, and one just has to think, can't they see what is happening? Why do they want to keep spending? It is like there is an addiction.

But here we are in the land of the free, the city on the hill for the world as far as the country that sets the example for free markets and free enterprise—a country that has fought wars to keep the rest of the world free—and here we are in a situation where we have to borrow well over $100 billion every month just to keep the lights on in this place, just to keep our country going.

All year long, we have been having these public showdowns about how we need to cut spending. We have threatened government shutdowns over the continuing resolutions and over increasing the debt limit. One would think that by this point we would be cutting spending to some degree. We have established this supercommittee, supposedly to deal with our huge deficits. Yet we are passing spending bills this week—today—that increase spending versus last year. Last year, we spent 5 percent more than the year before.

In reality, in some ways, our country is worse off than Europe because we have Federal debt, we have State debt, we have municipal debt, we have counties declaring bankruptcy, we have

States approaching bankruptcy, and yet we continue to spend more now than we did last year. After all of the fuss and fighting and brinkmanship and supercommittees, we can't seem to cut anything here. In fact, we are increasing spending.

The goal of the supercommittee is not to cut spending; it is not to cut our debt at all. The goal of the supercommittee is to reduce the amount we are going to borrow over 10 years—maybe reduce it from $10 trillion to $8 trillion or $9 trillion.

We are not even on the same page with reality right now. We have increased spending so dramatically over the last few years—we have added $4 trillion to our debt since President Obama came into office, we passed a $1 trillion stimulus, and we passed ObamaCare, adding trillions of dollars in spending.

Instead of talking about cutting, the debate now seems to be, how can we take more from the American people in taxes to feed our addiction? We have focused our guns on those very people who create our jobs and create most of the opportunity in our country, people who are already paying the largest portion of national taxes of any country in the world because we have shifted so much of the tax burden onto the top income earners. We are blaming them for the wealth gap when, in fact, the real blame for the wealth gap comes from the government taking so much out of the private sector, regulating with such a heavy hand, and having the second highest corporate tax rate in the world.

The problem with the middle class is not those who are making too much money; it is a Federal Government that doesn't understand that the more we spend and borrow, the fewer jobs there are going to be in our country today. Yet that is the big argument here. Instead of cutting spending, we are actually talking about taking more from hard-working American taxpayers and bringing it in here and giving it to the people who have created that $15 trillion in debt. How could anyone make sense of that?

It is really pretty amazing, after all the promises we have made to the American people, that we are watching our debt go up like this—passing $15 trillion—and we still can't talk about any substantive cuts.

Let me give one example of something that makes so much sense. Over the last two decades, we have seen welfare spending increase nearly 300 percent. There are 77 means-tested welfare programs, and over the last couple of decades, since welfare reform, the spending has increased nearly 300 percent. That is more than the combined increase of Social Security and Medicare. It is more than the increases in education or in defense. Are we helping people? Not at all. We have more people in poverty than we ever have had, and we are discouraging self-sufficiency while encouraging dependency on government.

In the last 4 years alone, we have nearly doubled what we are paying for food stamps, from $40 billion to $80 billion in this year's budget. If all we did was return welfare spending to 2007 levels, we could save almost $2.5 trillion over the next 10 years. That is twice the goal of the supercommittee in cuts. But are we even thinking about it? Is it even on the table? Absolutely not, because the one thing I have seen with this place is we are very good at getting bipartisan agreement on increasing spending in areas of need, but we seldom see bipartisan agreement on any cuts. Would we look at responsible caps on welfare spending? Not even a chance. It is not even on the table with the supercommittee discussions.

With Medicaid alone, if we return spending to 2007 levels, we could save more than the goal of the supercommittee of $1.2 trillion, but we are not willing to discuss cuts.

I think it is a sad day for America that we are plowing past $15 trillion, pretending to be responsible to the American people, while last week and this week and on into the rest of the year, we are going to be passing spending bills that spend more than we spent last year. At the same time, we are supposedly in a recession, Americans are tightening their belts, many are out of work, and what we are talking about here is, let's continue to spend and take more from hard-working, taxpaying Americans so we can keep our spending addiction going here in Washington.

It is utterly irresponsible, what we are doing. All the President can do is point at those whom he calls millionaires, who are generally the people who are creating the jobs, running the small businesses, and having the most to do with creating the investment that makes our economy grow, and try to blame them for the problems we create here in Washington.

It is time we keep our promises to the American people. I know it is hard for some in these Chambers to cut spending because dependency on government often means a dependable vote for many politicians. It is time we look at the future and the debt that we are loading onto ourselves, our children, and our grandchildren. This country will not survive the types of policies we are producing here in Washington today.

This supercommittee should look at real cuts in spending. If our Democratic colleagues are not willing to go along with responsible spending caps on programs such as welfare, then we need to walk away from the table and take our case to the American people and tell them what is really the truth, which is that the elections in 2012 may be our last chance to turn this around. We cannot keep spending at this level and keep taking more and more from the private sector, from the job producers in our country, bringing it here to Washington, and spending it on wasteful programs that are fraught with fraud and duplication and not even ever consider cutting any of them.

Last week, Dr. COBURN had a couple of amendments to an appropriations bill that had some very small cuts to what had been deemed wasteful, ineffective programs. On one of his amendments, he only got 13 votes. So this is clearly a bipartisan problem.

We need to cut spending. Washington has a spending problem, it does not have a low-tax problem. It is time we focus our attention on reducing the size and scope of the Federal Government and having it live within constitutional boundaries. We need to eliminate programs that are wasteful, return others to the States, and trim our budget to the point where we can pay for what we are spending so that we will not keep adding trillions and trillions of dollars of debt on to our country and our citizens and our next generation.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. AKAKA. Madam President, I ask unanimous consent that I may speak as in morning business for 5 minutes.

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

(The remarks of Mr. AKAKA are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we started out this week hoping we could complete a minibus—that means to do what we did a couple weeks ago and complete three appropriations bills at the same time. We had three good subjects. We had the underlying bill, Energy and Water. We moved from that and added to that Financial Services and Foreign Operations. We were unable to get a consent agreement that we could treat the package of bills the same way we treat other appropriations bills; that is, you cannot legislate on an appropriations bill and there have to be germane amendments offered. I was disappointed that we didn't get that agreement. I accept that.

The best news out of this is that, with the underlying bill, we have two of the finest Senators the Senate has ever had, Senators FEINSTEIN and ALEXANDER. They are knowledgeable,

easy to work with, and they understand that legislation is the art of compromise. They have done a wonderful job in the last 24 hours, working down the amendments. We have a number of amendments on the Republican side—a finite list—and we should have a Democratic list very quickly. We need to work it down a little more.

I appreciate very much the good work of Senator ALEXANDER and Senator FEINSTEIN. The normal process would be to pull the bill. We are not going to do that. We are going to leave the bill on the calendar so we can move to it in a minute's notice, really. We will keep it around, and we hope to be able to move to that soon. We are going to have some down time, and anytime we do that, we should be able to finish this bill in a day or day and a half once we get the amendments worked out.

This will give us the opportunity to move to the Defense authorization bill. I indicated to Senators LEVIN and MCCAIN well over a month ago that I would move to this bill. Not everything is worked out in it, but that is nothing unusual. It is a huge bill. Senators LEVIN, MCCAIN, LINDSEY GRAHAM, and others have worked hard to try to work out one of the problem areas we have had, and significant progress has been made. It really doesn't matter.

I have spoken to one Democratic Senator, and he still isn't very happy about some information that is in that bill. I told him he could offer an amendment quickly and try to assert his position.

UNANIMOUS CONSENT AGREEMENT—S. 1867

Mr. REID. Mr. President, I ask unanimous consent that following morning business tomorrow, Thursday, November 17, 2011, the Senate proceed to the consideration of Calendar No. 230, S. 1867, which is the Defense authorization bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. REID. Mr. President, it is important to announce to the Senate because of this that there will be no rollcall votes tonight.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

COMMEMORATING THE 60TH ANNIVERSARY OF THE UNITED STATES-AUSTRALIA ALLIANCE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 324, submitted earlier today.

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. 324) commemorating the 60th Anniversary of the United States-Australia alliance.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. 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 that any statements related thereto be printed in the RECORD.

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

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas the United States Government enhanced its relationship with the Governments of Australia and New Zealand with the signing of the Australia-New Zealand-United States (ANZUS) Treaty on September 1, 1951, and subsequently engaged in annual, bilateral Australian-United States Ministerial (AUSMIN) consultations between the Australian Ministers of Foreign Affairs and Defence and the United States Secretaries of State and Defense, including a meeting in San Francisco in September 2011 that commemorated the 60th anniversary of the United States-Australia alliance;

Whereas the alliance remains fundamental to the security of Australia and the United States and to the peace, stability, and prosperity of the Asia-Pacific region, and is one dimension of a broad and deep relationship between the two countries that encompasses robust bilateral strategic, intelligence, trade, and investment relations based on shared interests and values, a common history and cultural traditions, and mutual respect;

Whereas numerous visits by Presidents of the United States, including this week by President Barack Obama, and by the Australian Prime Minister to the United States, including in 2011 when Prime Minister Julia Gillard addressed a Joint Session of Congress, have underscored the strength and closeness of the relationship;

Whereas members of the United States and Australian armed forces have fought side-by-side in every major conflict since the First World War, with the commitment to mutual defense and security between the United States and Australia being longstanding and unshakeable, as was demonstrated by the joint decision to invoke the ANZUS Treaty in the aftermath of the September 11, 2001, terrorist attacks;

Whereas the Governments of the United States and Australia continue to share a common approach to the most pressing issues in global defense and security, including in Afghanistan, where about 1,550 Australian Defence Force personnel are deployed, and in response to natural disasters and humanitarian crises, such as in Japan following the earthquake and subsequent tsunami in March 2011;

Whereas Secretary of State Hillary Clinton recently stated, ''We are expanding our alliance with Australia from a Pacific partnership to an Indo-Pacific one, and indeed a global partnership. . . . Australia's counsel and commitment have been indispensable.'';

Whereas Secretary of Defense Leon Panetta recently remarked that ''the United States has no closer ally than Australia. . . . [We] affirm this alliance, affirm that it remains strong, and that we are determined to deepen our security cooperation even further to counter the threats and challenges that we face in the future.'';

Whereas the Governments of the United States and Australia agreed to set up a Force Posture Working Group at the November 2010 AUSMIN to examine options to align respective force postures consistent with the national security requirements of both countries and to help positively shape the regional security environment;

Whereas the United States and Australia committed in a Joint Statement on Cyberspace during the 2011 AUSMIN meeting to consult together and determine appropriate options to address any threats;

Whereas the Government of Australia is a major purchaser of United States military resources, approximately 50 percent of Australia's war-fighting assets are sourced from the United States, and the Government of Australia has plans to spend a substantial sum over the next 10–15 years to update or replace up to about 85 percent of its military equipment;

Whereas, on September 29, 2010, the Senate provided its advice and consent to ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, signed at Sydney, Australia, September 5, 2007, which will facilitate defense trade between the two nations and enhance interoperability between military forces;

Whereas the Governments of the United States and Australia support open, transparent, and inclusive regional architectures to preserve and enhance peace, security, and prosperity in the Asia-Pacific region;

Whereas the Governments of the United States and Australia cooperate closely in regional and global forums, as evidenced by Australia's support for the United States as the host this month of the Asia-Pacific Economic Cooperation forum in 2011 and the United States' support for Australia to host the G–20 in 2014;

Whereas the United States and Australia elevated their trade relationship through the Australia-United States Free Trade Agreement that entered into force on January 1, 2005, and exports of United States goods to Australia have risen by 53 percent since that time, totaling $21,900,000,000 in 2010;

Whereas the United States is Australia's largest destination for foreign investment, helping create jobs for United States workers, with Australian companies employing more than 88,000 people directly in the United States;

Whereas the Governments and people of the United States and Australia work closely to advance and support human rights, the rule of law, and basic freedoms worldwide;

Whereas the Governments and people of the United States and Australia work jointly and separately to support democracy, economic reform, and good governance in the Pacific Islands, Southeast Asia, South and Central Asia, the Middle East, and North Africa, among other areas of the world; and

Whereas the Governments of the United States and Australia are working through their respective aid agencies (USAID and AusAID) and also exploring opportunities for collaboration across a wide variety of areas: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th Anniversary of the United States-Australia alliance and takes this opportunity to reiterate the enduring significance of this historic friendship that

serves as an anchor of peace, stability, and prosperity in the Asia-Pacific region and in the world;

(2) supports United States efforts to strengthen military, diplomatic, trade, economic, and people-to-people cooperation with Australia, including initiatives to positively shape the evolving strategic and economic environment that connects the Indian and the Pacific Oceans; and

(3) urges close consultation between the Governments of the United States and Australia in preparation for the East Asia Summit to be chaired by Indonesia on November 19, 2011, and encourages other, new forms of cooperation with the Government and people of Australia that strengthen regional architectures to enhance peace, security, and prosperity in the Asia-Pacific region.

EXPRESSING SUPPORT FOR NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 302 and that the Senate proceed to its 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. 302) expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. 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 that any related statements be printed in the RECORD.

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

The resolution (S. Res. 302) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 302

Whereas there are approximately 408,000 children in the foster care system in the United States, approximately 107,000 of whom are waiting for families to adopt them;

Whereas 56 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2010, nearly 28,000 youth ''aged out'' of foster care by reaching adulthood without being placed in a permanent home;

Whereas everyday, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though ''Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years'';

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, more than 35,000 children have joined forever families during National Adoption Day;

Whereas in 2010, adoptions were finalized for nearly 5,000 children through 400 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 19, 2011: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

Ms. LANDRIEU. Mr. President, the resolution just approved by unanimous consent is a very important resolution that Senator GRASSLEY and I are proud to support, along with Senator INHOFE and others. It is a resolution recognizing that this Saturday is National Adoption Day.

I am happy to report that on this Saturday, there will be over 3,500 children who will be adopted into permanent families.

This day was started about 10 years ago by some very enterprising organizations, and the Senate and the House of Representatives have been helping to promote the concept of National Adoption Day for many years now, maybe as many as 10. We sure have been working to help highlight this special day. It was started by nonprofit organizations to highlight the fact that we have orphans in the United States.

People don't believe this, but there are over 100,000 children in our foster care system between the ages of 0 and 21, who are in our foster care system, whose parents' rights have been terminated for good reason—maybe terrible or gross abuse or neglect. Those parents are unable or unwilling to raise their biological children. These children need a forever family, a relative to step up, a cousin or an aunt or a grandmother to step up, or they need someone in the community to step up and say: You can be a part of our family.

People don't stop needing families when they are 21 years old. They age out of the foster care system, unfortunately, at 21 despite the good work we have done here to extend that time from 18 to 21. Unfortunately, every year 25,000 children age out of our foster care system, as the Senator from Iowa knows—he has been a phenomenal leader on foster care reform—without ever having been adopted.

When you are 25 or 24 or 23 and you are trying to apply for your first job, it would be nice to have a mother, father, grandmother, or a grandfather to call and ask: How do I dress? What should I say? Does my resume look OK? These children don't have that. When you are engaged, it would be nice to be able to call a parent and say: Can you help with the expense of the wedding or can you be there for me? These children don't have that. That is what National Adoption Day is about, highlighting the fact that there are children in our foster care system—beautiful, strong, intelligent children who need a forever family. We are doing our best to promote adoption for them.

Not only in our system in the United States, but sadly there are around 163 million children around the world living outside of family care. We think that number is conservative because we have reason to believe that even those who do a lot of counting are not really counting all the children in orphanages. The number is probably larger than that.

It sounds overwhelming—and it can be at times—to think about our goal to try to find a home for every one of these children. But just to put in perspective the U.S. numbers, it is 107,000 children. But the good news is that we have 300,000 churches in America alone—not counting synagogues or mosques. Mr. President, you can easily do that math. If just one family out of every three churches adopted one of these children in foster care, we would not have any more orphans in America.

That is why we are promoting this today and this week, National Adoption Month and National Adoption Day. You don't have to be perfect or wealthy; you just have to have a big heart and step up and be willing to add this blessing to your family. So many families have been blessed by adoption. As many people know, our family has been blessed by adoption.

This day is to commemorate National Adoption Day. In fact, I said 3,500, but it is 4,500 children who will be adopted on this day, and 5 will be

adopted in New Orleans, LA. I thank Judge Ernestine Grey and all of the judges for their good work to make that possible. We want to finalize these adoptions in all 50 States.

Saturday, we will celebrate families who adopt and encourage others to adopt children from foster care, build stronger collaborations among local adoption agencies, and, again, raise awareness about the 107,000 children who are waiting. Many of these children, despite our laws that mandate an 18-month wait period, maximum, sometimes wait more than 3 years.

In conclusion, let me just say we need to do more. We can do more. I wish to highlight for the record two wonderful organizations that, in my mind, have been going above and beyond the call of duty.

One is the Dave Thomas Foundation Wendy's Wonderful Kids Program. They are a great example of just one organization that is doing great work to find homes for children who are considered ''unadoptable'' or ''hard-to-place'' simply because they are 7 or 8 or 10 or 12 and not 1 or 2. They are ''too old'' to be adopted. I never thought I would hear the words ''too old'' when referring to a child who is 7, 8, 10, or 12, but that is what people think. They have worked hard—Wendy's Wonderful Kids—and have come up with a new approach, a better approach. They have had extraordinary success in piloting a new child focus recruitment plan and finding 2,500 children permanent homes since 2004. Rita Soronen, executive director of Dave Thomas Foundation, is a leader, and Wendy's Wonderful Kids is a great example.

Let me just put into the RECORD another organization that has a gallery right here, the National Heart Gallery, which has an exhibit here at the Capitol in the Russell Senate Rotunda. The National Heart Gallery is another very organic, nonprofit, community-based movement. They took beautiful portraits of these children to show their personalities and life. When people are looking at their portraits, they could be pulled in by the beauty and true reflection of the child's personality. So the National Heart Gallery is another wonderful organization, and I want to recognize those two. There are many others.

In conclusion, I thank the Senator from Iowa. He and I chair the foster care caucus together. It has been a pleasure working with him. We look forward to another great year ahead. We have had some success—actually, a great deal of success—in promoting adoption out of foster care and reforming the foster care system. It is a pleasure to work with Senator GRASSLEY.

I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I appreciate the kind words of the Senator from Louisiana. Likewise, it is a pleasure not only to work with her, but the two of us have been able, on most foster care and adoption issues, to find a broad coalition of Senators. Many people don't have permanence because of the lack of adoption or because of faults within the foster care system. These Senators are very interested in bringing changes in legislation that makes that permanence and stability more a fact and creates a better quality life for these young people. I thank Senator LANDRIEU for her leadership.

I likewise, as she has, rise to honor National Adoption Month. I will take a few minutes to discuss my support for S. Res. 302 and for policies that promote and encourage adoption.

For years, I have championed efforts to increase awareness of adoption and help streamline the process for families who open their hearts and homes to children who have no other family. S. Res. 302 helps promote national awareness of adoption and the children awaiting families, celebrates children and families involved in adoption, and, lastly, encourages the people of the United States to secure safety, permanency, and well-being for all children.

As cofounder and cochair of the Senate Caucus on Foster Youth, I have taken a keen interest in helping children who find themselves in the foster care system. In the United States today, more than 400,000 children live in the foster care system. Many of these children have been welcomed into adoptive homes. However, over 105,000 of those in foster care are still waiting to be adopted.

According to the Administration of Children and Families in my home State of Iowa, more than 4,700 kids entered the foster care system last year, a total of 6,500 kids were in my State's foster care system in 2010.

Foster youth simply desire to have what so many of us were blessed to have; that is, a home with caring, loving parents and siblings. In other words, in a short statement, they want permanency. They want stability. Too many older children in foster care, especially those with special needs, are often the ones who wait the longest to leave foster care. These kids are less likely than younger children to find what we refer to as ''forever homes.''

While research shows that 40 percent of the Americans have considered adopting, many are reluctant because they are unsure of the adoption process. They have inaccurate perceptions about the children who are eligible to be adopted. Some believe children in foster care are there because of delinquency and other behavioral problems. The unfortunate fact is most children who are in foster care are there because they are abused, neglected or abandoned. These vulnerable children desperately need a family structure. They need parents who serve as positive role models, helping them become bright and successful members of their community.

While progress is being made to increase adoption, there is always more work to be done. Helping in this process are numerous agencies and nonprofit organizations that work tirelessly to find worthy American families who want to be adopting parents. In Iowa, one such agency is Four Oaks Family and Children Services of Cedar Rapids, IA. Four Oaks has had a recruiter working with Wendy's Wonderful Kids since 2005.

Wendy's Wonderful Kids is an innovative program of the Dave Thomas Foundation for Adoption, named after the late American business icon who founded Wendy's Restaurants. The foundation's mission is to promote adoption. It recently released a report about the success of the Wendy's Wonderful Kids Program. Specifically, the program is more focused on hard-to-place children. Recruiters work with children to find them the most appropriate placement. This program is a success story.

Congress has also adopted and acted on legislation. In 2008, I was part of a bipartisan effort to pass the Fostering Connections to Success and Increasing Adoption Act of 2008. This new law represented the most significant and most far-reaching improvement in child welfare in over a decade. It provided additional Federal incentives for States to move children from foster care to adoptive homes. It included legislation that I had introduced to make it easier for foster children to be permanently cared for by their own relatives, including grandparents, aunts and uncles, and to stay in their home communities. That, of course, is one way of bringing about greater stability.

Provisions in the law also made all children with special needs eligible for Federal adoption assistance. Previously, that assistance had been limited to children who were removed from very low-income families. The law broke new ground by establishing opportunities to help kids who age out of the foster care system at age 18 by giving their respective States the option to extend their care and by helping them pursue education or vocational training.

In late 2009, Senator MARY LANDRIEU and I formed the Senate Caucus on Foster Youth to give older youth in and out of care and their families a place where their voices could be heard. We wanted foster youth to be part of this legislative process. By hearing from young people and from their families who have experienced the foster care system firsthand, congressional leaders will become more aware of the issues facing young people and their families.

The caucus has and will continue to generate new ideas to prevent negative outcomes and create new opportunities for success. We wanted to focus on helping young people when they age out of the foster care children, typically at age 18. As many as 29,000 children age out every year without ever having found adoptive placement. Without the security of a family, they often end up homeless, end up incarcerated or end up maybe addicted to

drugs. Children who age out of the system enter adulthood without knowing what it was like to be raised having their own families because they were under the State's supervision. In a sense, the State was their family, and that is not much of a family. They missed out on having a mom and a dad and maybe brothers and sisters to grow up with and to learn from and with whom they would have relationships for the rest of their life. They missed out on a very important part of childhood that they will never know, one that too many of us take for granted.

They are thrown into the world and forced to take care of themselves. They struggle to pay bills, to find and hold a job, and to simply make ends meet.

That is why adoption awareness is so very important and hence the resolution we are talking about. Since the First National Adoption Day in 2000, more than 35,000 children have joined ''forever families'' during National Adoption Day. In 2010 alone, adoptions for almost 5,000 children were finalized through 400 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico.

These are impressive numbers—numbers that make us proud of the work being done to help foster children get the proper care. But there is always more work to be done. I have said that twice but can't say it too many times. It is through awareness such as this that we can help the work to continue.

In passing S. Res. 302, this body will make an important statement about our collective support for the needs of foster children. It recognizes the families who took the giant leap to open their homes to other children. National Adoption Month is about kids who need a home, it is about kids who just want a mom and a dad, it is about helping children who are victims of neglect and abuse, and it is about giving children living in foster care the ability to live their dreams.

We need to keep working together to break down the barriers to adoption so every child feels the relief of a solid family. I am proud to support the many kids who wait for permanency and stability but, more importantly, I want to salute the many organizations that are helping to make their dreams come true.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIONAL DEBATE ON GUN CONTROL

Mr. GRASSLEY. Mr. President, because of the attack against Congresswoman GIFFORDS, there has been some legislation introduced for more gun control. We are going to have to take a good look at that piece of legislation, as we have unanimously passed legislation after the tragic shooting in Virginia Tech in April of 2007. I am not going to deal directly with that specific piece of legislation, but I wish talk about some of the general approaches to gun control that are being discussed.

Getting back to Virginia Tech, the national debate surrounding updating Federal gun laws gained national attention following the tragic shooting at Virginia Tech and now, of course, has come up again because of the attack against Congresswoman GIFFORDS.

Following the terrible tragedy at Virginia Tech, Congress passed the National Instant Criminal Background Check System. That goes by the acronym of NICS, N-I-C-S, so I will be referring to the national instant criminal background check by that acronym.

This bill, as I said, passed the House and the Senate by unanimous consent and was signed into law by President Bush. Despite the strong bipartisan support the NICS Improvement Act had, the improvement act was not a perfect piece of legislation and is a good example of why we need to be very careful when we legislate to avoid unintended consequences. So I am raising some of these issues in regard to the possible consideration of legislation that has been introduced because of the terrible attack on Congresswoman GIFFORDS.

For example, in the next bill it actually—with unintended consequences but still doing it—stripped thousands of veterans and their beneficiaries of their second amendment rights simply because they had a fiduciary appointed on their behalf. Oftentimes, a fiduciary is appointed simply for managing disability compensation pensions or survivor benefits.

Under an interpretation by the Department of Veterans' Administration, veterans who have a fiduciary appointed are often deemed ''mentally defective,'' and are then consequently reported to the FBI's NIC system and consequently prohibited from purchasing a firearm.

Under the NICS Improvement Act—and that was a bipartisan bill—with unintended consequences, this happened: Around 114,000 veterans and their beneficiaries have been automatically denied their second amendment rights.

It is a terrible irony that veterans, who have served their country on the battlefield, who have been entrusted with our national security and have been provided firearms by their very government, are the same people the NICS Improvement Act harmed by taking away their second amendment rights, all without a hearing or formal adjudication.

We honored and celebrated Veterans Day last Friday. Yet, we are possibly going to be debating new legislation to restrict the second amendment rights of citizens without fixing the unintended consequences of our last major gun law, the NICS Improvement Act.

While the horrific events in Tucson are still fresh in our memories, as we discuss new gun control laws we also need to move forward on bipartisan legislation, such as the Veterans Second Amendment Protection Act, introduced by a bipartisan couple, Senator BURR and Senator WEBB. This bill would fix the unintended consequences to thousands of veterans caused by the NICS Improvement Act.

A hearing we had this week offered me an opportunity to discuss illegal firearms tracking and the government's efforts to stop it. At the forefront of this is the Department of Justice's failed operation called Fast and Furious, where the ATF knowingly allowed illegal purchasers to buy guns. The more we learned about Fast and Furious, the more we have discovered that senior Justice Department officials knew or should have known about these nearly 2,000 guns ending up in the hands of criminals, including the drug cartels in Mexico.

At the first House oversight hearing on Operation Fast and Furious, multiple ATF agents testified that fear spread through the Phoenix field division every time there was news of a major shooting event. So that brings us back to the tragedy for Congresswoman GIFFORDS.

Specifically with regard to the Congresswoman's shooting one agent said:

> There was a state of panic, like, . . . let's hope this is not a weapon from that case.

And ''that case'' was the Fast and Furious case, where our government decided to encourage licensed gun dealers to illegally sell guns to straw purchasers with the idea that we would follow them across the border. But there wasn't any following. So it was an effort doomed to failure in the first place. The Fast and Furious operation was failed in concept, in design, and in execution.

As the Attorney General said last week, before our Judiciary Committee: It should never have happened. And the Justice Department officials who knew about this program, including those who allowed false statements to Congress, need to be held accountable.

I thought it was fitting that late last week, Attorney General Holder finally wrote to the family of Agent Terry, the person who was murdered with two of these Fast and Furious guns found at the murder scene. This is the very same Attorney General who had an opportunity to apologize to the Terry family when he was asked by Senator CORNYN, Have you apologized to the Terry family? The Attorney General said, No. He said, Would you like to apologize now? That is what Senator CORNYN asked him. He gave an answer, but it wasn't an apology. So we have a letter late last week going to the Terry family. In his letter, he stated he was sorry for their loss, although he refused to take responsibility for the Department's role in Agent Terry's death.

At the root, then, of Fast and Furious—and a lot of rhetoric surrounding gun control legislation—have been the gun trafficking statistics provided by ATF. These unclear statistics have fueled the debate and contributed to undertaking such a reckless operation as Fast and Furious.

For example, in 2009, both President Obama and Secretary of State Clinton stated that 90 percent of the guns in Mexico were from the United States. But that statistic later changed to 90 percent of the guns that Mexico submitted for tracing to the ATF were from this country. This year, that number has become 70 percent of the guns submitted by the Mexican Government for tracing were from the United States. All the different percentages beg the question, what are the real numbers?

Articles discussing the 70-percent number misrepresent the facts, as I pointed out in a letter to then-ATF Acting Director Melson in June of this year.

First, there are tens of thousands of guns confiscated at crime scenes annually in Mexico. The Associated Press stated that in 2009, over 305,424 confiscated weapons were locked in vaults in Mexico. However, the ATF has acknowledged to my staff, in a briefing on July 29, 2011, that ATF does not have access to the vault in Mexico described in that story.

ATF also acknowledges that only a portion of the guns recovered in Mexico are actually submitted to the United States for tracing. In a November 8, 2011 court filing, the chief of ATF's firearms operation division made a declaration saying—now, remember, this is in a court filing:

> It is important to note, however, that ATF's eTrace data is based only on gun trace requests actually submitted to the ATF by law enforcement officials in Mexico, and not on all of the guns seized in Mexico.

That court filing further states that:

> In 2008, of the approximately 30,000 firearms that the Mexican Attorney General's Office informed ATF that it had seized, only 7,200, or one quarter, of those firearms were submitted to ATF for tracing.

So if Mexico submits only 25 percent of the guns for tracing, then the statistics could be grossly inaccurate one way or the other.

The discrepancies in the numbers do not stop there. ATF also informed my staff that the eTrace-based statistics could vary drastically by a single word's definition.

We have an example of different definitions. The 70-percent number was generated using a definition of U.S.-sourced firearms. That happens to include guns manufactured in the United States or imported through the United States. Thus, the 70-percent number does not mean that all guns were purchased at a U.S. gun dealer and then smuggled across the border; it could simply mean that the firearm was manufactured in the United States.

So when my staff asked ATF, how many guns traced in 2009 and 2010 were traced to U.S. gun dealers, the numbers were quite shocking in comparison to the statistics we previously heard. For 2009, of the 21,313 guns recovered in Mexico and submitted to tracing, only 5,444 were sourced to a U.S. gun dealer. That is around 25 percent.

For 2010, of the 7,971 guns recovered in Mexico submitted for tracing, only 2,945 were sourced to a U.S. gun dealer. That is only 37 percent, a far cry from 70 percent or 90 percent that we have been hearing over a long period of time, not to mention that the guns in 2009 and 2010 from gun dealers could include some of the nearly 2,000 firearms that were walked as part of our own Justice Department's Operation Fast and Furious.

We need clearer data from ATF and from Mexico. Mexico needs to open the gun vaults and allow more guns to be traced, not just the ones the Mexican Government selects. We need to know if military arsenals are being pilfered as a source—as media articles have claimed the State Department points to in diplomatic cables.

When it comes to the diplomatic cables, I sent a letter to—actually it was yesterday—Secretary of State Clinton seeking all diplomatic cables discussing the source of arms from Mexico, Central America, and South America. I believe this information is relevant to Congress, given that I discovered in a July 2010 cable, as part of my Fast and Furious investigation, that cable titled, ''Mexico Weapons Trafficking—The Blame Game,'' seeks to dispel myths about weapons trafficking. Among other things, the State Department authors discussed what they perceived as ''Myth: An Iron Highway of Weapons Flows from the U.S.''

These cables are vitally important to Congress's understanding of the problem. Further, given that they appear in documents that ATF submitted to Congress as part of Fast and Furious, there should be no reason for the State Department to withhold them as part of our legitimate oversight, even if they are classified.

There is a lot more to be said about the specific problems with the legislation that might be coming before the Judiciary Committee as a result of Congresswoman GIFFORDS' tragedy. We have to ask a lot of questions to flush out some of these serious problems. We don't want to happen in this legislation what happened in the NICS Improvement Act when 114,000 veterans were denied their second-amendment rights and, consequently, avoid these unintended consequences. We should not be legislating away any constitutional rights people have under the second amendment.

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

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

MEDICARE

Mr. WHITEHOUSE. Mr. President, I am not going to speak very long tonight, and I am not going to speak very formally either. But I did want to come back to the Senate floor and make a point again that I have made repeatedly here on the Senate floor before; that is, there is a path to reform of our health care system that will improve the quality of care for patients, will improve the experience of care for patients, will improve the outcomes of care for patients and for our Nation, and will lower costs for our country.

The reason I come to raise that point again is that the Senate is now awash with rumors that the 12 Members of Congress—Senators and Congressmen—who have been tasked with trying to create a solution to our deficit problem are going to cut Medicare benefits by hundreds of millions of dollars. That is, as best I can tell, only a rumor. I certainly cannot vouch for it being true. Indeed, I hope it is not true.

The time I wish to spend this evening is to remind my colleagues it is a very unfortunate and mistaken path to take to follow the road of benefit cuts at a time when the road to reform is so promising in terms of the win-win of better care at lower cost.

It is not just me saying this. The President's Council of Economic Advisers has said the annual savings that could be accomplished with health care delivery system reform, without reducing anybody's quality of care or access to care—indeed, I would hypothesize actually improving quality of care—is $700 billion a year in the American health care system.

The President's Council of Economic Advisers is not alone in that opinion. The Institute of Medicine has just said it is around $770 billion a year. A few years back, the New England Healthcare Institute said it was $850 billion a year. And the Lewin Group, which is a fairly well respected health care consultancy here in Washington, as well as George Bush's Treasury Secretary, Secretary O'Neill, have both agreed annual savings could be $1 trillion a year—all by improving the quality of care and the coordination of care.

I do not know if it is exactly going to be $700 billion or $1 trillion, but my point is, there is a big savings target out there that everyone from President Obama's Council of Economic Advisers, to George Bush's Treasury Secretary, to a lot of very well thought of groups in between, including our National Institute of Medicine, all agree on. So I think that makes it a very important target to pursue in this discussion.

It is not just me in believing, at this potential split in the road, we should work and fight very hard to make sure we are taking the right path and we do

not go down the easy-to-score but unnecessary and unhelpful path of benefit cuts, which singles out seniors in Medicare and does nothing about the underlying costs of the system and makes it the wrong road to follow when we have a well illuminated path that can move us toward a better, more efficient delivery system that provides better quality health care, better outcomes, fewer hospital-acquired infections, better coordinated care, stronger electronic health records—all of the things that will support a truly modern health care system that can be the envy of the world.

That is the choice we have. I think it would be a terrible mistake to go the benefit cuts route instead of the reform route, and it is not just me who says that. George Halvorson is the chief executive officer, the CEO, of Kaiser Permanente. Kaiser Permanente is one of the biggest health care systems in the country. It provides health care in many States, and George Halvorson is a very serious individual who knows his stuff in health care. He would not be the CEO of that big company if he did not.

Here is what he said the other day:

> There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country. And that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

That is not me. That is the CEO of Kaiser Permanente.

> There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country and that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

Yet that is the direction that it looks like we may be taking, the inept direction. I had a hearing in the HELP Committee—the Presiding Officer, Senator BENNET of Colorado, is a member of that HELP Committee—and we had some very interesting witnesses. Because the path toward savings through reform is not just a HELP Committee path, this is not something that some academic has constructed and maybe if you take that path things will work, this is a path that major corporations, major health systems, major hospitals in this country are already walking. They are already walking down that path.

Kaiser is one of them. Blue Shield of California is another. Intermountain out in the West is a third. Mayo, Geisinger, Gundersen Lutheran—there are a number along the East Coast. These are companies that have determined this is the right path, and they are walking that path.

Two folks were there from such companies. One was Dr. Gary Kaplan, who is at the Virginia Mason health system in Seattle, WA. Despite its name, Virginia Mason, it is actually in Seattle, WA, on the other coast. He pointed out that they went through a quality management transformation in their hospital with a cultural transformation, with a process transformation.

As a result, they have made significant improvements. Just in one back pain reform process they did with 2,000 patients, they calculated they have already saved $1.7 million on 2,000 back pain patients, and those patients are happier with the new regime, the less-expensive regime, than before because they are getting better quality care.

He testified they saved $11 million in planned capital investment, reduced inventory costs by $2 million through supply chain expense reductions, reduced staff walking distance by 60 miles per day, reduced labor expenses and overtime and temporary labor by half a million dollars in just 1 year, reduced professional liability insurance premiums by 56 percent, reduced their self-insured retention fund by 70 percent, reduced the time it takes to report lab tests by more than 85 percent, and improved their medication distribution, reducing errors, reducing the time when a patient first calls Virginia Mason's breast clinic with a concern to the time they receive a diagnosis from 21 days to 3 days, and many patients receive their results on the same day.

These are the kind of improvements that have put Virginia Mason at the front end and make them, according to the Leapfrog Group, one of the top hospitals in the country. They are walking the walk of improving the quality of their operations, improving the quality of care and saving money by doing so.

The other witness was Greg Poulsen from Intermountain. He described two examples. One was a sepsis program for people who are admitted to the hospital suffering from sepsis throughout their system. Sepsis is a dangerous condition. Sepsis, on average, has a 40-percent mortality rate. So 4 out of 10 people with sepsis die of it. They have reduced the 40-percent mortality rate from sepsis to 5 percent—from 4 in 10 dying to 1 in 20 dying. Did it cost a lot of money to do that? Was that a big investment they had to make? Did it cost the taxpayers a lot to save those lives? No. What they found is they saved $10 million with that improvement.

Similarly, they have a diabetes program that has been described by the former CEO of the Mayo Clinic as the diabetes program he would go to if he were sick with diabetes that has ''the best outcomes and lowest costs in the country.''

They saved $5 million a year on diabetes treatment by going to better health care providing. There is a problem, as he pointed out. That $10 million they saved is actually a revenue loss. Because when they saved money by not having unnecessary care, by not having complications, by having things be more efficient and streamlined, what they did was they reduced their billing to the insurance companies, and it is actually the insurance companies, it is the payers who saved the $10 million.

What the providers spend is a revenue loss. So we have our system upside down in that respect, and that is one of the ways we need to reform our system. A third witness who was there was a Rhode Islander. His name is Chris Koller. We have a unique office in Rhode Island, an office of health insurance commissioner. He is the only health commissioner in the country. Also, I tease him that he is the tallest insurance commissioner because he is unusually tall, but that is easy because he is the only one.

But he has done a very good job of bringing our hospitals and insurance companies together to try to focus on the ways we can deliver care better. One way is through prevention and primary care. It turned out that in Rhode Island, the amount of every health care dollar that was spent on primary care was 5.9 percent. So every $1 spent on health care in Rhode Island, less than 6 cents, went to primary care, went to your regular family doctor and the basic health care providers. Less than 6 cents out of every $1.

The insurance companies have more overhead than that, administering the system. The costs of administration of the health care system is more than the primary care providers get out of the system. That is another sign that the system is upside down. He is encouraging them, and they have agreed, to step up the spending on primary care by 1 percent a year for 5 years. We believe that is going to make a very substantial cost savings because there is so much that a primary care provider can handle without having to go to a specialist, without having to go to the emergency room, without the condition getting worse because they could not find you, by simply making primary care more accessible and more available.

So the additional expense for primary care should bring down system costs overall and having it designed more intelligently.

I will close with a few words from the witness, Dr. Kaplan, who said that through the work they have been doing on reform and efficiency, he said: ''We have demonstrated that the path to higher quality, safer care is the same path to lower costs.''

He actually said that if we could get more transparency to the system about who is doing a better job and who is not, what the outcomes are for different hospitals, that basically where we are right now in the delivery system reform provisions that were in the Accountable Care Act, he described them as one of the last chances of a market-based system.

This is somebody who is in this business all the time and is actually running a hospital that is actually producing results. This is a person who is steeped in the reality of health care, and contrary to what we hear in the cartoon version that infects Washington, where ObamaCare is socialized medicine and is a step away from market-based care, this practitioner says the potential of the Accountable Care

Act, as I see it, is one of the last chances of a market-based system.

It could actually lead to a market, whether it was Medicare and Medicare Advantage as parts of Medicare or the commercial sector, that we would actually be able to understand what we are buying and what we are paying for.

That is the kind of commonsense transformation we need. You remember, Dr. Kaplan said: We have demonstrated the path to higher quality, safer care is the same path to lower costs.

Gary Paulsen, Intermountain, and other organizations have shown that improving quality is compatible with lowering costs. Indeed, high-quality care is generally less expensive than substandard care, and the primary challenge for us and the main reason more organizations do not adopt the high-value model discussed in the hearing that we held is the underlying fee-for-service payment system which predominates, of course, in the United States. We pay doctors for doing more, not for doing better. We pay doctors for doing more things to you rather than getting you well.

Because we do that, we have the results we have. When you look at that mess, you can say, OK, we are going to leave all that alone. We are not going to follow the path that Intermountain, that Gundersen, Lutheran, that Virginia Mason has proven, that Kaiser has argued for and proven, that so many systems around the country are doing, you can say, we are going to forget all that. We are going to leave it in place. We are going to leave it a mess, and we are just going to cut benefits away from seniors, from our elderly, from the people who need care the most, from the people who paid into the system, from the people who do not have a chance to recover, very often from people who are not in a position to direct their own care and make effective choices if they are the very elderly on Medicare or worse, the Medicare-Medicaid dual eligibles.

We are going to go after those people. We are going to cut their benefits, and we are not going to take the trouble to follow the path the professionals who are doing this are already showing is a path that leads to saving, is a path that leads to a better health care system, is a path that leads us out of the difficult position of being the only country in the world that spends 18 percent of our GDP on health care, of being the most inefficient country in the world in health care by a 50-percent margin. The next closest country in terms of inefficiency in health care is about 12 percent of GDP. We are at 18. Why is it necessary that America has to be the most inefficient health care provider in the world of all the countries we compete with by a factor of nearly 50 percent? That is half again worse than the most inefficient competitor we face. It makes no sense to be in that position.

There is enormous room for improvement. The path to that improvement is clear. It is already being walked by serious and responsible institutions that have set this as their corporate goal. That is where we should go. I will close again by repeating George Halvorson's exhortation. He is one of the great health care leaders in this country. He is a savvy corporate manager. He runs an enormous health care corporation. This is not an idle opinion of his.

There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country and that's wrong. It's so wrong, it's almost criminal. It's an inept way of thinking about health care.

Those are CEO George Halvorson's words, not mine.

I hope that they ring through this body and we don't make the mistaken decision to go after Medicare benefits and instead take the positive path of reform and improvement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL FAMILY CAREGIVER MONTH

CARE & COMFORT

Ms. SNOWE. Mr. President, November marks National Family Caregiver Month, a chance to thank those who provide care for our loved ones in their time of need. According to the most recent census data, my home State of Maine has the oldest population in the United States, and therefore I am acutely aware of the tremendous role wonderful, compassionate individuals play as caregivers. Today I rise to commend and recognize Care & Comfort, a small business that successfully helps to fill the need for high-quality health care professionals in Maine.

Care & Comfort, headquartered in the central Maine city of Waterville, specializes in care for elderly and special needs individuals. Within their home health division, Care & Comfort provides nursing services, caring companions, in-home care, and long-term care. Throughout various other divisions, the company offers outpatient therapy, behavioral health and community support services, children's case management service, home and community support services for children, adult community support, and home modifications. As a company which strives ''to provide the best possible care to clients and families across Maine,'' Care & Comfort not only helps its clients through its high quality customer service, it also serves as a community resource on health care for the entire Maine community.

In 1991, Susan Giguere started Care & Comfort with just two employees after realizing the lack of home health solutions in Maine following her mother's illness. In order to expand her business, Susan applied for and received guaranteed loans from the Small Business Administration, SBA. The first loan Susan obtained was for $100,000 in 1996, and the second for just over $330,000 in 2000. These loans allowed her company to grow from two employees to 475 staff members. As a result, this August Care & Comfort was named to the SBA 100 list, which features 100 small businesses that have created at least 100 jobs since receiving SBA assistance. This honor is richly deserved, as the company has vividly demonstrated the tenacity and strength found in so many of our Nation's small businesses in these challenging economic times.

Care & Comfort now helps 890 home health and 748 mental health clients out of five regional offices located across the State. Furthermore, this small business goes above and beyond the call of duty to routinely give back to the community through volunteer efforts and charitable donations. Their hard work, along with exceptional staff, has led to several accolades for the company including awards from the SBA, two Fleet Bank Awards for Community Service, and an award from Kennebec Valley Community College.

Care & Comfort has assisted many families through difficult times. Therefore, it is only fitting that we celebrate this firm's successes, as they have simultaneously helped support our loved ones and created numerous jobs throughout Maine. I am proud to extend my congratulations to Susan Giguere and everyone at Care & Comfort for their tremendous efforts and offer my best wishes for continued success.

REMEMBERING EMORY FOLMAR

Mr. SHELBY. Mr. President, today I wish to pay tribute to Mr. Emory McCord Folmar, who passed away on Friday, November 11, 2011. Emory lived a life dedicated to service to his country, holding many military and civic leadership roles, and was a true inspiration to many. I am glad to have known such a remarkable individual and fellow public servant.

Emory Folmar was born on June 3, 1930, in Troy, AL. He graduated from the University of Alabama with his B.S. in business and was a member of Sigma Alpha Epsilon fraternity. Emory's career in the military began at the University of Alabama as well. During his college years he served as a cadet colonel of the Army ROTC. Upon graduating, Emory attended parachute training and instructors' schools and was assigned to the 11th Airborne Division of the 2nd Infantry Division of the Army. During his years of service in the military, Emory received the Silver Star, the Bronze Star, and the Purple Heart during his service in the Koren war. He was a brave defender of

the United States of America and continued his dedication to the military throughout his career as a public servant.

In 1954, Emory moved to Montgomery, AL, where he began a successful construction business with his brother, James Folmar and Henry Flynn. His political career began in 1975 as president of the City Council District 8, and then he served as mayor of Montgomery from 1977 to 1999. As mayor, Emory made great strides in developing the downtown area and improving Montomgery's infrastructure. Staying true to his military roots, Emory worked hard for the wellbeing of Maxwell and Gunter Air Force Bases, which are vital to our national security and to Alabama's economy.

Additionally, Emory worked on the Presidential campaigns of Ronald Reagan and George H.W. Bush and ran for Governor of the State of Alabama in 1982. He has earned the respect and admiration of his colleagues, who have referred to him as the ''grandfather of the State's modern Republican Party.''

Emory is loved and will be missed by his wife, Anita Pierce Folmar, two children, Wilson Bibb Folmar III and Margaret Folmar Dauber, and many more family members and friends. My thoughts and prayers are with them as they mourn the death of a wonderful husband, father, friend, community leader. He was a role model to many, and the citizens of Alabama and of Montgomery are very fortunate to have benefited from his commitment to public service as mayor for 22 years.

FURTHER REVISIONS TO THE ALLOCATION PROVIDED FOR FISCAL YEAR 2012 TO THE COMMITTEE ON APPROPRIATIONS AND THE BUDGETARY AGGREGATES FOR FISCAL YEAR 2012

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am further adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the Chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Senate will be considering the conference report to H.R. 2112, the Consolidated and Further Continuing Appropriations Act of 2012. That conference report includes funding designated for disaster relief. In total, the amount of such designations is lower than amounts passed by the Senate earlier this month. Consequently, I am lowering adjustments made previously to the allocation to the Committee on Appropriations and to the aggregates by a total of $847 million in budget authority and $79 million in outlays.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

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

BUDGETARY AGGREGATES

[Pursuant to section 106(b)(1)(C) of the Budget Control Act of 2011 and section 311 of the Congressional Budget Act of 1974]

$s in millions–	2011–	2012
Current Spending Aggregates:—		
Budget Authority–	3,070,885–	2,984,245
Outlays–	3,161,974–	3,047,268
Adjustments:—		
Budget Authority–	0–	−847
Outlays–	0–	−79
Revised Spending Aggregates:—		
Budget Authority–	3,070,885–	2,983,398
Outlays–	3,161,974–	3,047,189

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS

[Pursuant to section 106 of the Budget Control Act of 2011 and section 302 of the Congressional Budget Act of 1974]

$s in millions–	Current allocation/limit	Adjustment–	Revised allocation/limit
Fiscal Year 2011:——			
General Purpose Discretionary Budget Authority—	1,211,141–	0–	1,211,141
General Purpose Discretionary Outlays—	1,391,055–	0–	1,391,055
Fiscal Year 2012:——			
Security Discretionary Budget Authority—	814,744–	0–	814,744
Nonsecurity Discretionary Budget Authority—	364,281–	−847–	363,434
General Purpose Discretionary Outlays—	1,328,004–	−79–	1,327,925

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS

[Pursuant to section 106 of the Budget Control Act of 2011]

$s in billions–	Program integrity	Disaster relief	Emergency–	Overseas contingency operations	Total
H.R. 2112, the Consolidated Appropriations and Further Continuing Appropriations Act, 2012 (Conference Report):———					
Budget Authority–	0.000–	−0.847–	0.000–	0.000——	−0.847
–					
Outlays–	0.000–	−0.079–	0.000–	0.000–	−0.079
Memorandum 1: Breakdown of Above Adjustments by Category:———					
Security Budget Authority–	0.000—	0.000–	0.000–	0.000–	0.000
Nonsecurity Budget Authority–	0.000–	−0.847–	0.000–	0.000–	−0.847
General Purpose Outlays–	0.000–	−0.079–	0.000–	0.000–	−0.079
Memorandum 2: Cumulative Adjustments (Includes Previously Filed Adjustments):———					
Budget Authority–	0.893–	7.741–	0.000–	126.544–	135.178
Outlays–	0.774–	1.590–	−0.007–	63.568–	65.925

MESSAGE FROM THE HOUSE

At 3:26 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. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

MEASURES REFERRED

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

H.R. 2838. An act to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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–3949. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Fresh Peaches Grown in California; Termination of Marketing Order 916 and the Peach Provisions of Marketing Order 917'' (Docket No. AMS–FV–11–0018; FV11–916/917–4 FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3950. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Christmas Tree Promotion, Research, and Information Order'' (Docket No. AMS–FV–10–0008–FR–1A) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3951. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Christmas Tree Promotion, Research, and Information Order, Referendum Procedures'' (Docket No. AMS–FV–10–0008–FR) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3952. A communication from the Acting Administrator of the Cotton and Tobacco Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports; Corrections'' (Docket No. AMS–CN–11–0026C; CN–11–002) received in the Office of the President of the Senate on November 14, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3953. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Office of Management and Budget's report of the estimated cost of assets purchased under the Emergency Economic Stabilization Act of 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–3954. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC–3955. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled ''Proposed Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2012–2017''; to the Committee on Energy and Natural Resources.

EC–3956. A communication from the Commissioner, Social Security Administration, transmitting, a legislative proposal relative to requiring participation in the Enumeration at Birth (EAB) program; to the Committee on Finance.

EC–3957. A communication from the Program Manager, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Head Start Designation Renewal System'' (RIN0970–AC44) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–3958. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Office of Inspector General and the Director's Semiannual Report to Congress on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3959. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''NARA Records Reproduction Fees'' (RIN3095–AB71) received in the Office of the President of the Senate on November 10, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3960. A communication from the Inspector General of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Inspector General's Semiannual Report to Congress for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3961. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's Commercial and Inherently Governmental Activities for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3962. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Defense (DoD) Agency Financial Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–3963. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption for 2010; to the Committee on the Judiciary.

EC–3964. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fee for Filing a Patent Application Other than by the Electronic Filing System'' (RIN0651–AC64) received in the Office of the President of the Senate on November 13, 2011; to the Committee on the Judiciary.

EC–3965. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice before the Board of Patent Appeals and Interferences in Ex Parte Appeals'' (RIN0651–AC37) received in the Office of the President of the Senate on November 13, 2011; to the Committee on the Judiciary.

EC–3966. A communication from the Principal Deputy Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Federal Voting Assistance Program's 2010 Post-Election Survey Report; to the Committee on Rules and Administration.

EC–3967. 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 11–098, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–3968. 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 11–081, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–3969. 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 11–042, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC–3970. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed retransfer of major defense equipment involving the retransfer of four (4) C–27J1 Spartan Aircraft from Alenia Aeronautica S.p.A. to the Government of Mexico in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–3971. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of defense articles, including, technical data, and defense services to the United Kingdom for the manufacture and assembly related to the Phalanx Close-In Weapon Systems and Land Based Phalanx Weapon Systems in the amount of $25,000,000 or more; to the Committee on Foreign Relations.

EC–3972. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to proposed amendments to parts 120, 123, 124, 126, 127, and 129 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

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. BROWN of Ohio (for himself, Ms. MIKULSKI, and Mr. MERKLEY):

S. 1876. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act; to the Committee on Finance.

By Mr. CASEY (for himself and Mrs. BOXER):

S. 1877. A bill to amend the Child Abuse Prevention and Treatment Act to require mandatory reporting of incidents of child abuse or neglect, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 1878. A bill to assist low-income individuals in obtaining recommended dental care; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1879. A bill to ensure that States have enacted criminal statutes that require individuals to report child abuse to law enforcement or child protective agencies; to the Committee on Finance.

By Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE):

S. 1880. A bill to repeal the health care law's job-killing health insurance tax; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. BAUCUS):

S. 1881. A bill to establish an integrated Federal program to respond to ongoing and expected impacts of climate variability and change by protecting, restoring, and conserving the natural resources of the United States and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. VITTER, Mr. MERKLEY, and Mr. BROWN of Ohio):

S. 1882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. WEBB):

S. Res. 324. A resolution commemorating the 60th Anniversary of the United States-Australia alliance; considered and agreed to.

By Mr. PORTMAN (for himself and Mr. BROWN of Ohio):

S. Res. 325. A resolution recognizing the 2012 World Choir Games in Cincinnati, Ohio, as a global event of cultural significance to the United States and expressing support for designation of July 2012 as World Choir

Games Month in the United States; to the Committee on Foreign Relations.

By Mr. HATCH (for himself, Mr. BROWN of Ohio, Mr. CRAPO, Mr. LEAHY, Mr. LUGAR, and Mr. UDALL of New Mexico):

S. Res. 326. A resolution designating Thursday, November 17, 2011, as ''Feed America Day''; considered and agreed to.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BEGICH, Mr. CONRAD, Mr. KIRK, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. Res. 327. A resolution supporting the goals and ideals of American Diabetes Month; considered and agreed to.

By Mrs. SHAHEEN (for herself and Mr. MORAN):

S. Res. 328. A resolution designating the week of November 14 through 20, 2011, as ''Global Entrepreneurship Week/USA''; considered and agreed to.

By Mr. AKAKA (for himself, Mr. REID, Mr. BARRASSO, Ms. CANTWELL, Mr. CRAPO, Mr. FRANKEN, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. TESTER, and Mr. UDALL of New Mexico):

S. Res. 329. A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States; considered and agreed to.

By Mr. CRAPO (for himself, Mr. RISCH, Mr. BINGAMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mr. BENNET):

S. Res. 330. A resolution designating January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing; considered and agreed to.

By Mr. KIRK (for himself, Mr. MANCHIN, Mr. BEGICH, Mr. CONRAD, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. WARNER):

S. Res. 331. A resolution expressing the sense of the Senate that Congress should ''Go Big'' in its attempts toward deficit reduction; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 481

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 497

At the request of Ms. MIKULSKI, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 497, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 1034

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1034, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1106

At the request of Mr. KOHL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1106, a bill to authorize Department of Defense support for programs on pro bono legal assistance for members of the Armed Forces.

S. 1176

At the request of Ms. LANDRIEU, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1176, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1268

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 1268, a bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes.

S. 1335

At the request of Mr. INHOFE, the names of the Senator from Montana (Mr. TESTER), the Senator from Colorado (Mr. UDALL), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1335, a bill to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

S. 1374

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1374, a bill to direct the Federal Trade Commission to prescribe rules prohibiting deceptive advertising of abortion services.

S. 1610

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1610, a bill to provide additional time for the Administrator of the Environmental Protection Agency to promulgate achievable standards for cement manufacturing facilities, and for other purposes.

At the request of Mr. BARRASSO, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. MORAN), the Senator from Kansas (Mr. ROBERTS) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 1610, supra.

S. 1676

At the request of Mr. THUNE, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt.

S. 1756

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1756, a bill to extend HUBZone designations by 3 years, and for other purposes.

S. 1770

At the request of Mrs. GILLIBRAND, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Oregon (Mr. MERKLEY) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1770, a bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster parent, or the sexual orientation or gender identity of the child involved.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1853

At the request of Mr. SANDERS, the name of the Senator from New Mexico

(Mr. UDALL) was added as a cosponsor of S. 1853, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 1856

At the request of Mr. DEMINT, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 1856, a bill to prohibit Federal funding for lawsuits seeking to invalidate specific State laws that support the enforcement of Federal immigration laws.

S. 1862

At the request of Mr. LAUTENBERG, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1862, a bill to amend the Public Health Service Act to improve the health of children and reduce the occurrence of sudden unexpected infant death and to enhance public health activities related to stillbirth.

S. 1866

At the request of Mr. COONS, the names of the Senator from New York (Mrs. GILLIBRAND) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 1866, a bill to provide incentives for economic growth, and for other purposes.

S. 1868

At the request of Mr. MENENDEZ, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1868, a bill to establish within the Smithsonian Institution the Smithsonian American Latino Museum, and for other purposes.

S. RES. 297

At the request of Mr. MENENDEZ, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 297, a resolution congratulating the Corporation for Supportive Housing on the 20th anniversary of its founding.

S. RES. 301

At the request of Mr. CASEY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. Res. 301, a resolution urging the people of the United States to observe October 2011 as Italian and Italian-American Heritage Month.

S. RES. 302

At the request of Ms. LANDRIEU, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. Res. 302, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 939

At the request of Mr. BARRASSO, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 939 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 975

At the request of Mr. BLUNT, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 975 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 976

At the request of Mr. BLUNT, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Nebraska (Mr. JOHANNS) were added as cosponsors of amendment No. 976 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 979

At the request of Mr. BEGICH, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 979 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 980

At the request of Mr. WEBB, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of amendment No. 980 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

AMENDMENT NO. 1009

At the request of Mrs. HAGAN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 1009 intended to be proposed to H.R. 2354, a bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE):

S. 1880. A bill repeal the health care law's job-killing health insurance tax; to the Committee on Finance.

Mr. HATCH. Mr. President, I want to thank my good friend from Wyoming, Senator BARRASSO, for his work on this and other issues related to the President's health law. He is a leading orthopedist, and I have nothing but respect for him. As a former medical liability defense lawyer defending doctors, nurses, hospitals, and other health care providers, I appreciate good doctors, and this is one good doctor. He and Dr. COBURN are two of the best people I have known and are a credit to their profession.

I thank him for his work on this and other issues related to the President's health care law. He has been tireless in his careful analysis and fair criticism of the health spending law, and I believe we are in agreement on that bill's fundamental flaw.

The President and his allies repeatedly promised that the health law would decrease costs. That is not going to happen. The so-called Affordable Care Act is going to, in fact, drive up the cost of coverage.

Among the biggest reasons for this inflationary impact are the taxes that will be imposed on the American people to pay for the lost $2.6 trillion in new spending. At the top of the list of senseless cost-increasing taxes is the law's tax on health insurance. It is not clear to me how the cost of health insurance will decrease by taxing it.

Many people probably don't even know this tax exists. Like most of the taxes in ObamaCare, its implementation was conveniently delayed until after the 2012 Presidential election. But this tax is coming. It is going to hurt employers and employees. It is going to be a drag on our economy, and it is going to depress wages.

I am glad to be standing here with Senator BARRASSO as we introduce the Jobs and Premium Protection Act, a bill that repeals this onerous and counterproductive tax on American workers and job creators. The President speaks about the need for Congress to do something about jobs. Well, we would go a long way toward creating the conditions for job growth by passing this legislation.

Unemployment in this country remains a full-blown crisis. Millions are out of work, and the 9-percent unemployment rate doesn't begin to capture the full extent of our jobs deficit. We need policies that will encourage businesses to invest and expand. Yet the health law's insurance tax does just the opposite. According to a recent analysis, in just the first 10 years, the insurance tax would impose $87 billion in costs on businesses and their employees. Revenue that could be spent on higher wages, new hires, and capital investment—increasing jobs and growing the economy—will instead go to pay this tax. And that is just the start. In the second decade, this tax will cost businesses and their employees $208 billion.

It is important to understand how this insurance tax will work. Starting in 2014, the health insurance companies will have to pay a tax based on their net premiums written in the fully insured market. This is the market where 87 percent of small businesses purchase their health insurance. It is the market where the self-employed and uninsured go to purchase insurance.

So who will pay this tax? Someone has to pay it. Contrary to the talking points that all too often come out of this administration, all of these new mandates and regulations are not free. Someone has to foot the bill. Ultimately, it will be those least able to afford it who are paying it. Primarily small businesses—and their employees—will be responsible for paying this tax. When the cost of coverage goes up due to this tax, employees will pay for it in lower wages or higher health care costs.

According to a recent study, the average employee with a family plan will see his or her take-home pay reduced by $5,000 over the next decade because of this tax. The American people should remember that statistic the next time they hear their liberal supporters of the health care law talk about wage stagnation or income inequality.

The costs of this tax will be felt by citizens even beyond those small businesses. The factories that lose orders because their customers' health care costs are going up will pay for this tax. Those searching for work will feel it too, because money that could go to new wages for new employees will instead go to pay for this tax and increased health care costs for existing employees.

This tax will hit wide swaths of the American economy, with millions of businesses and individuals impacted. A study by the National Federation of Independent Business shows this tax alone will lead to a loss of 125,000 to 249,000 jobs between now and 2021.

The legislation we are introducing today will help to reverse this trend. Ultimately, all of Obamacare must be repealed. I am fully committed to uprooting it in its entirety. It undermines our Constitution and it undermines personal liberty. It exacerbates the Nation's debt crisis by creating and expanding entitlement spending, and it also undermines our economy, destroying existing jobs and preventing the creation of new ones.

The people of Utah and people all over the United States need a jobs agenda. Repeal of the health insurance tax through the Jobs and Premium Protection Act we are introducing today would do much to address the scourge of unemployment and get our economy moving again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, first, I wish to congratulate and thank my colleague, the senior Senator from Utah, Mr. HATCH, for his continued leadership on the issue of health care. As the ranking member of the Finance Committee, he has been a stalwart and strong supporter in efforts to get for the American people the health care they need, from the doctor they want, at a price they can afford, and amazing in his fight against what this body, what the House of Representatives, and what the President have forced onto people all across this country, which, to me, has been bad for patients, bad for the providers of those patients—the nurses and doctors who take care of them—and terrible for taxpayers.

That is why week after week I come to the floor to give a doctor's second opinion about the health care law, and why I am so pleased to be here with my colleague today to join in the introduction of this piece of legislation.

As people all around the country know—those who listened to the many speeches given during the debate on health care—the President and Democrats in Washington promised the American people this trillion dollar health care spending law would lower health insurance premiums. That is what the President promised, that health insurance premium costs would go down. Well, the American people have now had 19 months to review what is in the health care law, and they are finding that the President and the Washington Democrats sold them a bill of goods.

On September 27 of this year, the Kaiser Family Foundation issued its annual survey of employer-sponsored health insurance premiums. The report showed that employer-provided health insurance premiums rose—went up, not down—$1,303 for an average family last year alone. Remember—and we do—that the President repeatedly promised his health care law would reduce the average annual family premium by $2,500. Yet the exact opposite of what the President promised has occurred. The Kaiser Family Foundation report shows significant premium increases, not savings as the President promised.

Not only are premiums continuing to climb, but the President and Washington Democrats paid for their health care spending law by imposing billions of dollars in new taxes on American business and American consumers. Independent experts agree these taxes only serve to increase an individual, a family, or a small business's cost to buy medical coverage. Specifically, section 9010 of the health care law creates a new $60-plus billion tax on health insurance plans starting in 2014.

The health care law slaps this tax on all health insurance companies based on net premiums in what is called the fully insured market. This means the tax an insurance company must pay is equal to the percent of their market share. The larger the insurance company's market share, the higher their annual health insurance tax becomes. The aggregate tax in 2014 is $8 billion and climbs to $11.3 billion in 2015 and 2016, eventually reaching over $14 billion in 2018. After that, the law mandates the health insurance tax grow by premium inflation. More inflation, higher taxes.

Former Congressional Budget Office Director Douglas Holtz-Eakin released a study in March of this year estimating the health insurance tax could exceed $87 billion between 2014 and 2020. Some on the other side of the aisle want to message this tax as a ''health insurance fee.'' I would say to my friends all across this country, Do not be fooled. This new tax directly hits small business.

The Joint Committee on Taxation makes it clear the insurance tax will be borne by consumers in the form of higher prices, by owners of firms in the form of lower profits, by employees of those firms in the form of lower wages, or by other suppliers to the firms in the form of lower payments.

Remember, this tax only hits health insurance companies that sell their products in the fully insured market. As we have learned, and heard earlier on the Senate floor, 87 percent of small businesses buy their health insurance in this fully insured market.

The fully insured market is also the place that uninsured individuals and the self-employed go when they need to purchase medical insurance. Insurance companies selling plans to individuals and small businesses are the ones that are hit with the tax. The new tax doesn't hit large, self-insured businesses. Ultimately, uninsured individuals, small businesses, and their employees are the ones who are going to end up paying this unfair tax. This new punitive tax will add hundreds of dollars to family and small business insurance premiums every year.

The Wyoming Blue Cross Blue Shield Association tells me that a Wyoming family of four will see a premium increase because of this tax of over $300 in 2014. In 2018, that same Wyoming family of four will see over a $500 premium increase as a result of the tax. These premium increases will have been passed through to consumers as a direct result of this health care law's tax component—what the President and the Democrats in this body have foisted on the American public.

Additionally, the Holtz-Eakin March 2011 study proves the health insurance tax will raise premiums by as much as 3 percent or nearly $5,000 for a family of four over the next decade. What American family, I ask you, can afford to see their take-home pay reduced by $5,000 over the next decade thanks to the President's new tax. The Nation's unemployment rate stands at 9 percent. There are 14 million Americans, people across our country, unemployed and looking for work. Struggling American families cannot bear the brunt of President's Obama's new tax.

A recent study by the National Federation of Independent Business found this health insurance tax will force the

private sector to shed somewhere between 125,000 and 249,000 jobs between now and 2021. More than half of those losses will fall on the backs of small businesses.

Two million small businesses across this country cannot afford President Obama's new tax. Twenty-six million workers, who get their insurance through their employer, cannot afford President Obama's new tax. And the 12 million people who buy health insurance plans on their own in the individual market cannot afford President Obama's new tax. That is why today we introduce legislation called the Jobs and Premium Protection Act.

I introduced this bill along with my friend, the ranking member of the Senate Finance Committee, Senator HATCH. Our legislation is simple and straightforward. It eliminates the health care law's punitive tax on every individual, family, and small business that chooses to do the right thing and buy health insurance. Unbelievably, the health care law punishes individuals and punishes small businesses, the very two groups who find buying health insurance at an affordable price extremely challenging. Why would the Federal Government implement policies that make it harder by imposing a tax on the products these individuals buy?

Some must believe that insurers will simply be able to absorb the tax. Well, experts tell us that assumption is false. Here is what the nonpartisan Joint Committee on Taxation said in a letter to Senator JOHN KYL in June of this year:

> We expect a very large portion of the insurance industry fee to be passed forward to purchasers of insurance in the form of higher premiums.

A very large portion, they say. Then they go on to say:

> Eliminating this fee would decrease the average family premium in 2016 by $300 to $400.

Isn't that what we want, to lower the cost of insurance for individuals? This is the way to do it.

Finally, the Joint Committee on Taxation letter confirms the following:

> Repealing the health insurance industry fee would reduce the premium prices of plans offered by covered entities by 2 to 2½ percent.

This ill-conceived discriminatory tax must be eliminated. It must be stopped well before it starts to impact individuals, families, and small businesses. Our bill is a critical piece of pro-business legislation. It has the support of organizations such as the National Federation of Independent Business, the U.S. Chamber of Commerce, Blue Cross Blue Shield Association, and America's health insurance plans.

I urge colleagues on both sides of the aisle who are concerned about the cost of insurance for families of America, who are shocked and surprised, some in disbelief, that what the President promised the American people—of a reduction in premiums—isn't true, and who want to try to in a little way right that wrong to do so by cosponsoring and supporting the Jobs and Premium Protection Act.

I thank the Chair and the ranking member of the Senate Finance Committee, Senator HATCH—especially Senator HATCH—for his leadership and for joining me in introducing this legislation today. The time has come to eliminate a bad policy that not only increases health insurance costs but also negatively impacts America's job creators.

By Mr. BINGAMAN (for himself, Mr. VITTER, Mr. MERKLEY, and Mr. BROWN of Ohio.

S. 1882. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that valid generic drugs may enter the market; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today with Senators VITTER, MERKLEY, and BROWN of Ohio to introduce the Fair and Immediate Release of Generic Drugs Act of 2011. The FAIR GENERxICS Act is an important step in addressing the root cause of the growing cost of healthcare—the delay of generic drugs entering the market. This legislation has broad support from consumer advocates, the generics industry, and experts including: AARP, Apotex generics manufacturer, Families USA, U.S. PIRG, Consumers Union, Consumer Federation of America, Center for Medicare Advocacy, the National Legislative Association on Prescription Drug Prices, Alliance for Retired Americans, and Community Catalyst.

According to the Kaiser Family Foundation, prices for brand-name prescription drugs have continued to outpace inflation. Overall spending on prescription drugs also has increased sharply. In 2008 spending in the U.S. for prescription drugs was $234.1 billion, nearly 6 times the $40.3 billion spent in 1990. Generic drugs can be an important source of affordable prescription drugs for many Americans. On average, generic drugs are four times less expensive than name brand drugs.

Pay-for-delay patent settlements brand and generic pharmaceutical manufacturers, however, are delaying timely public access to generic drugs, which costs consumers and taxpayers billions of dollars annually. In 2010 the Federal Trade Commission reported 31 such settlements, a 60 percent increase since 2009, and in 2011 FTC reported 28 such settlements. Many experts and consumer advocates have called for legislation to address this problem and ensure access to affordable medicines for all Americans.

The FAIR GENERxICS Act of 2011 addresses the root cause of anti-competitive pay-for-delay settlements between brand and generic pharmaceutical manufacturers—the unintended, structural flaw in the Hatch-Waxman Act that allows "parked" exclusivities to block generic competition. By doing so, the legislation ensures consumers will benefit from full and fair generic competition at the earliest, most appropriate time.

The legislation would prevent "parked exclusivities" from delaying full, fair, and early generic competition by modifying three key elements of existing law. First, the legislation would grant the right to share exclusivity to any generic filer who wins a patent challenge in the district court or is not sued for patent infringement by the brand company. The legislation also maximizes the incentive for all generic challengers to fight to bring products to market at the earliest possible time by holding generic settlers to the deferred entry date agreed to in their settlements. Finally, in order to create more clarity regarding litigation risk for pioneer drug companies and generic companies, the legislation requires pioneer companies to make a litigation decision within the 45 day window provided for in the Hatch-Waxman Act.

As a result of these changes, companies who prevail in their patent challenges and immediately come to market may be the sole beneficiary of the 180 day exclusivity period. In addition, companies will understand litigation risk before launching generic products.

Taken in concert these changes will ensure that generic markets are opened as they were originally envisioned under the Hatch-Waxman exclusivity periods; and will generate significant savings for the U.S. consumers, the Federal Government, and the American health care system.

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. 1882

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 "Fair And Immediate Release of Generic Drugs Act" or the "FAIR Generics Act".

SEC. 2. 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING FIRST APPLICANT STATUS.

(a) AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) IN GENERAL.—Section 505(j)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)) is amended—

(A) in clause (iv)(II)—

(i) by striking item (bb); and

(ii) by redesignating items (cc) and (dd) as items (bb) and (cc), respectively; and

(B) by adding at the end the following:

"(v) FIRST APPLICANT DEFINED.—As used in this subsection, the term 'first applicant' means an applicant—

"(I)(aa) that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application that contains and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) for the drug; and

"(bb) that has not entered into a disqualifying agreement described under clause (vii)(II); or

''(II)(aa) for the drug that is not described in subclause (I) and that, with respect to the applicant and drug, each requirement described in clause (vi) is satisfied; and

''(bb) that has not entered into a disqualifying agreement described under clause (vii)(II).

''(vi) REQUIREMENT.—The requirements described in this clause are the following:

''(I) The applicant described in clause (v)(II) submitted and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) or a statement described in paragraph (2)(A)(viii) for each unexpired patent for which a first applicant described in clause (v)(I) had submitted a certification described in paragraph (2)(A)(vii)(IV) on the first day on which a substantially complete application containing such a certification was submitted.

''(II) With regard to each such unexpired patent for which the applicant described in clause (v)(II) submitted a certification described in paragraph (2)(A)(vii)(IV), no action for patent infringement was brought against such applicant within the 45 day period specified in paragraph (5)(B)(iii); or if an action was brought within such time period, such an action was withdrawn or dismissed by a court (including a district court) without a decision that the patent was valid and infringed; or if an action was brought within such time period and was not withdrawn or so dismissed, such applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed).

''(III) If an applicant described in clause (v)(I) has begun commercial marketing of such drug, the applicant described in clause (v)(II) does not begin commercial marketing of such drug until the date that is 30 days after the date on which the applicant described in clause (v)(I) began such commercial marketing.''.

(2) CONFORMING AMENDMENT.—Section 505(j)(5)(D)(i)(IV) of such Act (21 U.S.C. 355(j)(5)(D)(i)(IV)) is amended by striking ''The first applicant'' and inserting ''The first applicant, as defined in subparagraph (B)(v)(I),''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) apply.

SEC. 3. 180-DAY EXCLUSIVITY PERIOD AMENDMENTS REGARDING AGREEMENTS TO DEFER COMMERCIAL MARKETING.

(a) AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.—

(1) LIMITATIONS ON AGREEMENTS TO DEFER COMMERCIAL MARKETING DATE.—Section 505(j)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)), as amended by section 2, is further amended by adding at the end the following:

''(vii) AGREEMENT BY FIRST APPLICANT TO DEFER COMMERCIAL MARKETING; LIMITATION ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—

''(I) AGREEMENT TO DEFER APPROVAL OR COMMERCIAL MARKETING DATE.—An agreement described in this subclause is an agreement between a first applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, (aa) not to seek an approval of its application that is made effective on the earliest possible date under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, (bb) not to begin the commercial marketing of its drug on the earliest possible date after receiving an approval of its application that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or (cc) to both items (aa) and (bb).

''(II) AGREEMENT THAT DISQUALIFIES APPLICANT FROM FIRST APPLICANT STATUS.—An agreement described in this subclause is an agreement between an applicant and the holder of the application for the listed drug or an owner of one or more of the patents as to which any applicant submitted a certification qualifying such applicant for the 180-day exclusivity period whereby that applicant agrees, directly or indirectly, not to seek an approval of its application or not to begin the commercial marketing of its drug until a date that is after the expiration of the 180-day exclusivity period awarded to another applicant with respect to such drug (without regard to whether such 180-day exclusivity period is awarded before or after the date of the agreement).

''(viii) LIMITATION ON ACCELERATION.—If an agreement described in clause (vii)(I) includes more than 1 possible date when an applicant may seek an approval of its application or begin the commercial marketing of its drug—

''(I) the applicant may seek an approval of its application or begin such commercial marketing on the date that is the earlier of—

''(aa) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which the commercial marketing could begin on an earlier date; or

''(bb) 180 days after another first applicant begins commercial marketing of such drug; and

''(II) the latest date set forth in the agreement on which that applicant can receive an approval that is made effective under this subparagraph, subparagraph (F) of this paragraph, section 505A, or section 527, or begin the commercial marketing of such drug, without regard to any other provision of such agreement pursuant to which commercial marketing could begin on an earlier date, shall be the date used to determine whether an applicant is disqualified from first applicant status pursuant to clause (vii)(II).''.

(2) NOTIFICATION OF FDA.—Section 505(j) of such Act (21 U.S.C. 355(j)) is amended by adding at the end the following:

''(11)(A) The holder of an abbreviated application under this subsection shall submit to the Secretary a notification that includes—

''(i)(I) the text of any agreement entered into by such holder described under paragraph (5)(B)(vii)(I); or

''(II) if such an agreement has not been reduced to text, a written detailed description of such agreement that is sufficient to disclose all the terms and conditions of the agreement; and

''(ii) the text, or a written detailed description in the event of an agreement that has not been reduced to text, of any other agreements that are contingent upon, provide a contingent condition for, or are otherwise related to an agreement described in clause (i).

''(B) The notification described under subparagraph (A) shall be submitted not later than 10 business days after execution of the agreement described in subparagraph (A)(i). Such notification is in addition to any notification required under section 1112 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

''(C) Any information or documentary material filed with the Secretary pursuant to this paragraph shall be exempt from disclosure under section 552 of title 5, United States Code, and no such information or documentary material may be made public, except as may be relevant to any administrative or judicial action or proceeding. Nothing in this paragraph is intended to prevent disclosure to either body of the Congress or to any duly authorized committee or subcommittee of the Congress.''.

(3) PROHIBITED ACTS.—Section 301(e) of such Act (21 U.S.C. 331(e)) is amended by striking ''505 (i) or (k)'' and inserting ''505 (i), (j)(11), or (k)''.

(b) INFRINGEMENT OF PATENT.—Section 271(e) of title 35, United States Code, is amended by adding at the end the following:

''(7) The exclusive remedy under this section for an infringement of a patent for which the Secretary of Health and Human Services has published information pursuant to subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act shall be an action brought under this subsection within the 45-day period described in subsection (j)(5)(B)(iii) or (c)(3)(C) of section 505 of the Federal Food, Drug, and Cosmetic Act.''.

(c) APPLICABILITY.—

(1) LIMITATIONS ON ACCELERATION OF DEFERRED COMMERCIAL MARKETING DATE.—The amendment made by subsection (a)(1) shall apply only with respect to—

(A) an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173) apply; and

(B) an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

(2) NOTIFICATION OF FDA.—The amendments made by paragraphs (2) and (3) of subsection (a) shall apply only with respect to an agreement described under section 505(j)(5)(B)(vii)(I) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)(1)) executed after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 324—COMMEMORATING THE 60TH ANNIVERSARY OF THE UNITED STATES-AUSTRALIA ALLIANCE

Mr. KERRY (for himself, Mr. LUGAR, Mr. INHOFE, and Mr. WEBB) submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas the United States Government enhanced its relationship with the Governments of Australia and New Zealand with the signing of the Australia-New Zealand-United States (ANZUS) Treaty on September 1, 1951, and subsequently engaged in annual, bilateral Australian-United States Ministerial (AUSMIN) consultations between the

Australian Ministers of Foreign Affairs and Defence and the United States Secretaries of State and Defense, including a meeting in San Francisco in September 2011 that commemorated the 60th anniversary of the United States-Australia alliance;

Whereas the alliance remains fundamental to the security of Australia and the United States and to the peace, stability, and prosperity of the Asia-Pacific region, and is one dimension of a broad and deep relationship between the two countries that encompasses robust bilateral strategic, intelligence, trade, and investment relations based on shared interests and values, a common history and cultural traditions, and mutual respect;

Whereas numerous visits by Presidents of the United States, including this week by President Barack Obama, and by the Australian Prime Minister to the United States, including in 2011 when Prime Minister Julia Gillard addressed a Joint Session of Congress, have underscored the strength and closeness of the relationship;

Whereas members of the United States and Australian armed forces have fought side-by-side in every major conflict since the First World War, with the commitment to mutual defense and security between the United States and Australia being longstanding and unshakeable, as was demonstrated by the joint decision to invoke the ANZUS Treaty in the aftermath of the September 11, 2001, terrorist attacks;

Whereas the Governments of the United States and Australia continue to share a common approach to the most pressing issues in global defense and security, including in Afghanistan, where about 1,550 Australian Defence Force personnel are deployed, and in response to natural disasters and humanitarian crises, such as in Japan following the earthquake and subsequent tsunami in March 2011;

Whereas Secretary of State Hillary Clinton recently stated, ''We are expanding our alliance with Australia from a Pacific partnership to an Indo-Pacific one, and indeed a global partnership. . . . Australia's counsel and commitment have been indispensable.'';

Whereas Secretary of Defense Leon Panetta recently remarked that ''the United States has no closer ally than Australia. . . . [We] affirm this alliance, affirm that it remains strong, and that we are determined to deepen our security cooperation even further to counter the threats and challenges that we face in the future.'';

Whereas the Governments of the United States and Australia agreed to set up a Force Posture Working Group at the November 2010 AUSMIN to examine options to align respective force postures consistent with the national security requirements of both countries and to help positively shape the regional security environment;

Whereas the United States and Australia committed in a Joint Statement on Cyberspace during the 2011 AUSMIN meeting to consult together and determine appropriate options to address any threats;

Whereas the Government of Australia is a major purchaser of United States military resources, approximately 50 percent of Australia's war-fighting assets are sourced from the United States, and the Government of Australia has plans to spend a substantial sum over the next 10-15 years to update or replace up to about 85 percent of its military equipment;

Whereas, on September 29, 2010, the Senate provided its advice and consent to ratification of the Treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, signed at Sydney, Australia, September 5, 2007, which will facilitate defense trade between the two nations and enhance interoperability between military forces;

Whereas the Governments of the United States and Australia support open, transparent, and inclusive regional architectures to preserve and enhance peace, security, and prosperity in the Asia-Pacific region;

Whereas the Governments of the United States and Australia cooperate closely in regional and global forums, as evidenced by Australia's support for the United States as the host this month of the Asia-Pacific Economic Cooperation forum in 2011 and the United States' support for Australia to host the G-20 in 2014;

Whereas the United States and Australia elevated their trade relationship through the Australia-United States Free Trade Agreement that entered into force on January 1, 2005, and exports of United States goods to Australia have risen by 53 percent since that time, totaling $21,900,000,000 in 2010;

Whereas the United States is Australia's largest destination for foreign investment, helping create jobs for United States workers, with Australian companies employing more than 88,000 people directly in the United States;

Whereas the Governments and people of the United States and Australia work closely to advance and support human rights, the rule of law, and basic freedoms worldwide;

Whereas the Governments and people of the United States and Australia work jointly and separately to support democracy, economic reform, and good governance in the Pacific Islands, Southeast Asia, South and Central Asia, the Middle East, and North Africa, among other areas of the world; and

Whereas the Governments of the United States and Australia are working through their respective aid agencies (USAID and AusAID) and also exploring opportunities for collaboration across a wide variety of areas: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates the 60th Anniversary of the United States-Australia alliance and takes this opportunity to reiterate the enduring significance of this historic friendship that serves as an anchor of peace, stability, and prosperity in the Asia-Pacific region and in the world;

(2) supports United States efforts to strengthen military, diplomatic, trade, economic, and people-to-people cooperation with Australia, including initiatives to positively shape the evolving strategic and economic environment that connects the Indian and the Pacific Oceans; and

(3) urges close consultation between the Governments of the United States and Australia in preparation for the East Asia Summit to be chaired by Indonesia on November 19, 2011, and encourages other, new forms of cooperation with the Government and people of Australia that strengthen regional architectures to enhance peace, security, and prosperity in the Asia-Pacific region.

SENATE RESOLUTION 325—RECOGNIZING THE 2012 WORLD CHOIR GAMES IN CINCINNATI, OHIO, AS A GLOBAL EVENT OF CULTURAL SIGNIFICANCE TO THE UNITED STATES AND EXPRESSING SUPPORT FOR DESIGNATION OF JULY 2012 AS WORLD CHOIR GAMES MONTH IN THE UNITED STATES

Mr. PORTMAN (for himself and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 325

Whereas the World Choir Games, the largest choral competition in the world, takes place every 2 years, is known as the ''Olympics of choral music'', and has the goal of uniting people from all countries through singing in peaceful competition;

Whereas, from July 4 through July 14, 2012, Cincinnati, Ohio, will be first city in the United States to host the World Choir Games;

Whereas the Seventh World Choir Games are expected to include more than 400 choirs from more than 70 countries, 20,000 official participants, including performers, event officials, delegations, and international jury members, and up to 200,000 spectators;

Whereas choirs will compete in 23 different musical genres evaluated by an impartial international jury of choral music experts;

Whereas the genres of barbershop and show choir will be added as competition categories for the first time in recognition of their popularity in the United States;

Whereas the uniting of the people of the world through singing in peaceful competition in the United States in 2012 affirms the commitment of the United States to global cultural awareness, understanding, and appreciation; and

Whereas it is appropriate to designate July 2012 as World Choir Games Month in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the global significance of the Seventh World Choir Games to be hosted in Cincinnati, Ohio, from July 4 through July 14, 2012;

(2) recognizes Interkultur, the Cincinnati Organizing Committee for the Seventh World Choir Games, the Cincinnati USA Convention and Visitors Bureau, the city of Cincinnati, and the State of Ohio for their efforts to secure and host the World Choir Games;

(3) expresses appreciation to all people of the world who will participate in the World Choir Games, either in competition or as visitors, and to all of the volunteers who will welcome the participants and other visitors to the United States;

(4) supports the designation of July 2012 as World Choir Games Month in the United States; and

(5) renews the commitment of the United States to world peace and friendship and increasing global cultural understanding through singing in peaceful competition.

SENATE RESOLUTION 326—DESIGNATING THURSDAY, NOVEMBER 17, 2011, AS ''FEED AMERICA DAY''

Mr. HATCH (for himself, Mr. BROWN of Ohio, Mr. CRAPO, Mr. LEAHY, Mr. LUGAR, and Mr. UDALL of New Mexico) submitted the following resolution; which was considered and agreed to:

S. RES. 326

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 48,000,000 people in the United States, including 16,200,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2011, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 17, 2011, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

SENATE RESOLUTION 327—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. BEGICH, Mr. CONRAD, Mr. KIRK, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, Mr. AKAKA, Mrs. FEINSTEIN, and Mr. LAUTENBERG) submitted the following resolution; which was considered and agreed to:

S. RES. 327

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as ''CDC''), nearly 26,000,000 people of the United States have diabetes and 79,000,000 people of the United States have pre-diabetes

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas each day, approximately 5,082 people are diagnosed with diabetes;

Whereas in 2010, the CDC estimated that approximately 1,900,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults of the United States and 26.9 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates as many as 1 in 3 American adults will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African, Asian, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was $218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

SENATE RESOLUTION 328—DESIGNATING THE WEEK OF NOVEMBER 14 THROUGH 20, 2011, AS ''GLOBAL ENTREPRENEURSHIP WEEK/USA''

Mrs. SHAHEEN (for herself and Mr. MORAN) submitted the following resolution; which was considered and agreed to:

S. RES. 328

Whereas research has shown that between 1980 and 2005 the majority of jobs in the United States were created by entrepreneurs and the young companies of those entrepreneurs;

Whereas the economy and society of the United States, as well as the country as a whole, have greatly benefitted from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week/USA is an initiative to celebrate the innovators and job creators who launch startups that bring ideas to life, drive economic growth, and improve human welfare;

Whereas Global Entrepreneurship Week/USA helps existing and aspiring entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2010, more than 445,896 individuals participated in the more than 3,200 entrepreneurial activities held in the United States alone during Global Entrepreneurship Week;

Whereas, in 2010, more than 1,300 partner organizations participated in Global Entrepreneurship Week/USA, including startup accelerators, business incubators, chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2011, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 14 through 20, 2011, as ''Global Entrepreneurship Week/USA''; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

SENATE RESOLUTION 329—RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING THE HERITAGES AND CULTURES OF NATIVE AMERICANS AND THE CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

Mr. AKAKA (for himself, Mr. REID of Nevada, Mr. BARRASSO, Ms. CANTWELL, Mr. CRAPO, Mr. FRANKEN, Mr. INOUYE, Mr. JOHANNS, Mr. JOHNSON of South Dakota, Ms. MURKOWSKI, Mr. TESTER, and Mr. UDALL of New Mexico) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas from November 1, 2011, through November 30, 2011, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of

speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2011 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as ''Native American Heritage Day'' in accordance with the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

SENATE RESOLUTION 330—DESIGNATING JANUARY 27, 2012, AS A NATIONAL DAY OF REMEMBRANCE FOR AMERICANS WHO, DURING THE COLD WAR, WORKED AND LIVED DOWNWIND FROM NUCLEAR TESTING SITES AND WERE ADVERSELY AFFECTED BY THE RADIATION EXPOSURE GENERATED BY THE ABOVE GROUND NUCLEAR WEAPONS TESTING

Mr. CRAPO (for himself, Mr. RISCH, Mr. BINGAMAN, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, and Mr. BENNET) submitted the following resolution; which was considered and agreed to:

S. RES. 330

Whereas on January 27, 1951, the first of years of nuclear weapons tests was conducted at a site known as the Nevada Proving Ground, located approximately 65 miles northwest of Las Vegas, Nevada;

Whereas the extensive testing at the Nevada Proving Ground came just years after the first ever nuclear weapon test, which was conducted on July 16, 1945, at what is known as the Trinity Atomic Test Site, located approximately 35 miles south of Socorro, New Mexico;

Whereas many Americans who, during the Cold War, worked and lived downwind from nuclear testing sites (referred to in this preamble as ''downwinders'') were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing, and some of the downwinders sickened as a result of the radiation exposure;

Whereas the downwinders paid a high price for the development of a nuclear weapons program for the benefit of the United States; and

Whereas the downwinders deserve to be recognized for the sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate January 27, 2012.

SENATE RESOLUTION 331—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD ''GO BIG'' IN ITS ATTEMPTS TOWARD DEFICIT REDUCTION

Mr. KIRK (for himself, Mr. MANCHIN, Mr. BEGICH, Mr. CONRAD, Mrs. HUTCHISON, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 331

Whereas the Government of the United States has reached record levels of debt, with total debt outstanding exceeding $14,970,000,000,000;

Whereas the publicly held debt of the United States has reached 67 percent of Gross Domestic Product and is projected to increase to 100 percent by 2021;

Whereas the Congressional Budget Office estimated the deficit for fiscal year 2011 at approximately $1,300,000,000,000;

Whereas the outlook on the deficits and debt of the United States has caused the Nation's long-term credit rating to be downgraded for the first time in history by at least one Nationally Recognized Statistical Rating Organization, and its credit rating could potentially be downgraded again;

Whereas the Budget Control Act of 2011 has empowered the Joint Select Committee on Deficit Reduction to propose significant and important reductions to the deficit, and failure to secure sufficient reductions will trigger substantial cuts in critical areas;

Whereas the presidentially appointed National Commission on Fiscal Responsibility and Reform has created a framework to reduce the Federal deficit by approximately $4,000,000,000,000;

Whereas numerous budget experts, leading political figures, and independent groups of differing political ideologies have advocated for a ''Go Big'' strategy for deficit reduction; and

Whereas 45 United States Senators have previously supported the goal of achieving greater deficit reduction: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should pass a deficit reduction measure that—

(1) includes enough deficit reduction to stabilize the Federal debt as a share of the economy, put the debt on a downward path, and provide fiscal certainty;

(2) reduces the deficit by at least $4,000,000,000,000 over 10 years in order to reassure financial markets;

(3) encompasses the principles of reform, shared sacrifice, and compromise;

(4) uses established, bipartisan debt and deficit reduction frameworks as a starting point for discussions;

(5) focuses on the major parts of the budget and includes long-term entitlement reforms and pro-growth tax reform;

(6) is structured to grow the economy in the short, medium, and long terms to create jobs in the United States and increase United States competitiveness;

(7) builds a foundation of investor confidence that preserves the United States dollar and Federal debt securities as the global standard of safety and stability;

(8) works to include the American public and the business community in a broader discussion about the breadth of the issues, challenges, and opportunities facing us; and

(9) includes tax reform that guarantees deficit reduction and economic growth to rebuild America.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1018. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1019. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1020. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1021. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1022. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1023. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1024. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1025. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1026. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1027. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1028. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1029. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1030. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1031. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1032. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1033. Mr. JOHNSON, of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1034. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1035. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1036. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1037. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1038. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1039. Ms. STABENOW (for herself, Mr. DURBIN, Mr. LEVIN, Mr. KOHL, Mr. BROWN of Ohio, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1040. Mr. SANDERS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1041. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNS, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. BLUNT, Mr. THUNE, Mr. HELLER, Mr. WEBB, Mr. MANCHIN, Mr. GRAHAM, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1042. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1043. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1045. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1046. Mr. KOHL (for himself, Ms. STABENOW, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1047. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1048. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1049. Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. BINGAMAN, Mrs. MCCASKILL, Ms. CANTWELL, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. PRYOR, Mr. TESTER, Mrs. MURRAY, Mr. MORAN, Mr. CRAPO, Mr. JOHNSON of South Dakota, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1050. Mr. MCCAIN (for himself, Mr. COBURN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1051. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1052. Mr. COATS (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1053. Ms. LANDRIEU (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1054. Mr. BROWN of Ohio (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1055. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1056. Mr. WICKER (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. ROBERTS, Mr. PAUL, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 1057. Mr. WHITEHOUSE (for Mr. NELSON of Florida) proposed an amendment to the resolution S. Res. 303, honoring the life, service, and sacrifice of Captain Colin P. Kelly Jr., United States Army.

SA 1058. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 1059. Mr. COONS (for himself, Mr. CASEY, and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1060. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 1061. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1018. Mr. WICKER (for himself, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 7___. None of the funds made available by this Act for fiscal year 2012 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

SA 1019. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the last proviso of the matter under the heading ''SALARIES AND EXPENSES'' under the heading ''FEDERAL ENERGY REGULATORY COMMISSION'' under the heading ''DEPARTMENT OF ENERGY'' of title III, strike ''a State'' and all that follows through the period at the end and insert ''avoided cost determined under section 210(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) may differ by technology to take into account the requirement of a State that a utility purchase electric energy generated by specified technologies.''.

SA 1020. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title IV of division A, in the matter under the heading ''OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS'' under the heading ''INDEPENDENT AGENCIES'', strike ''$1,000,000'' and insert ''$3,000,000''.

SA 1021. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 40, strike line 23 and all that follows through page 41, line 4, and insert the following:

NAVAL PETROLEUM AND OIL SHALE RESERVES

None of the funds appropriated or otherwise made available by this Act shall be used to carry out naval petroleum and oil shale reserve activities.

SA 1022. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 39, strike line 21 and all that follows through page 40, line 22, and insert the following:

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSION)

None of the funds appropriated or otherwise made available by this Act shall be used to carry out fossil energy research and development activities under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.): *Provided*, That of prior-year balances, $187,000,000 are hereby rescinded: *Provided further*, That no rescission made by the previous proviso shall apply to any amount previously appropriated in Public Law 111–5 or designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

SA 1023. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike line 19 and all that follows through page 38, line 13.

On page 42, strike lines 13 through 16.

On page 47, strike lines 1 through 5.

On page 66, between lines 2 and 3, insert the following:

SEC. 3__. None of the funds appropriated or otherwise made available by this Act shall be used to carry out—

(1) energy efficiency and renewable energy activities in carrying out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including FreedomCAR and Fuel Partnership programs;

(2) activities of the Energy Information Administration; or

(3) the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013).

SA 1024. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading ''GENERAL PROVISIONS—DEPARTMENT OF ENERGY'', add the following:

SEC. ____. None of the funds made available by this Act may be used to process, administer, or finalize any loan issued under the advanced technology vehicles manufacturing incentive program established under section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) for the purposes of manufacturing advanced high-strength steel.

SA 1025. Mr. BROWN, of Massachusetts submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. TRANSPARENCY IN JUDGMENT PAYMENTS.

(a) DISCLOSURE OF PAYMENTS.—Section 1304 of title 31, United States Code, is amended by adding at the end the following:

''(d)(1) Not later than 30 days after the payment of a final judgment, award, or compromise settlement under this section, the Secretary of the Treasury shall publish electronically (including on a dedicated, publicly accessible Web site), in a manner consistent with applicable Federal privacy law—

''(A) the agency responsible for the payment;

''(B) a citation to the provision of law under which the claim was made;

''(C) the amount to be paid;

''(D) the amount of any interest to be paid;

''(E) the amount of any attorney fees to be paid; and

''(F) for any case filed in a court—

''(i) the case number for the case that resulted in the judgment, award, or settlement; and

''(ii) the court in which the case was filed.

''(2) The information published under paragraph (1) shall contain separate sections for claims filed in court and administrative claims.

''(3)(A) The Secretary of the Treasury shall submit to the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on the Judiciary and the Committee on Oversight and Government Reform of the House of Representatives a quarterly report that contains—

''(i) any information published under paragraph (1) during the preceding quarter; and

''(ii) a confidential appendix that includes, for each case or claim described in clause (i), the identity of the plaintiff, counsel for the plaintiff, and the defendant.

''(B) A report under subparagraph (A) shall be exempt from disclosure under section 552 of title 5. For purposes of section 552 of title 5, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.''.

(b) LITIGATION MANAGEMENT.—

(1) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''§ 613. Litigation management

''(a) Each agency, in consultation with the Attorney General of the United States and consistent with applicable Federal privacy law, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives an annual report describing—

''(1) any civil action filed or pending against the agency or any employee of the agency; and

''(2) any settlements entered by or final judgments entered against the agency or any employee of the agency.

''(b) The report required under subsection (a) shall include—

''(1) a summary of—

''(A) the number of civil actions filed, pending, or settled;

''(B) the number of civil actions for which more than 36 months have passed since the date the action was filed;

''(C) the number of claims—

''(i) made under a statute or regulation; and

''(ii) alleging a violation of a statute or regulation;

''(D) the number of judgments entered for and against the agency;

''(E) the number of settlements or consent decrees involving the agency;

''(F) the number of judgments entered under seal;

''(G) the number of settlements or consent decrees involving a confidentiality agreement or order;

''(H) the total amount of all judgments, settlements, and attorney fees paid by or on behalf of the agency; and

''(I) the total number of agency rulemakings or other actions commenced due to a judgment or settlement;

''(2) for each filed or pending civil action, a summary of the action that—

''(A) describes—

''(i) the nature of the action;

''(ii) the cause of action asserted, including specific statutory references;

''(iii) the nature and amount of relief requested;

''(iv) whether the plaintiff is a party to any other litigation against the agency;

''(v) whether a claim for attorney fees has been made, and if so, the statutory basis for the claim;

''(vi) the date the action was filed; and

''(vii) whether more than 36 months have passed since the date the action was filed; and

''(B) identifies—

''(i) the court, the presiding judge, and the case number; and

''(ii) the plaintiff and counsel for the plaintiff; and

''(3) for each settlement or final judgment, except a settlement or final judgment described in paragraph (4), a summary of the civil action that includes—

''(A) the nature of the civil action;

''(B) the amount of the payment or other relief granted or agreed;

''(C) the amount of attorneys fees paid; and

''(D) the nature of any rulemaking or other agency action commenced due to the settlement or judgment; and

''(4) for each settlement or final judgment involving a judgment under seal or a confidentiality agreement or order—

''(A) the parties to the settlement or final judgment; and

''(B) each cause of action alleged in the complaint.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding at the end the following:

''613. Litigation management.''.

SA 1026. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

SEC. 3____. Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to the Committees on Appropriations of the House of Representatives and the Senate and post on the public Internet website of the Department of Energy a report describing all recipients of assistance (including grants, contracts, direct loans, loan guarantees, and cooperative agreements) from the Department during the 5-year period ending on the date of enactment of this Act that have filed for bankruptcy or were declared bankrupt, including the name of recipients, the amount of assistance, the date (by year) of receipt of assistance, and the date on which recipients filed for bankruptcy or were declared bankrupt.

SA 1027. Mr. COBURN submitted an amendment intended to be proposed by

him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to carry out the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

SA 1028. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. There are rescinded all remaining unobligated balances made available for the temporary program for rapid deployment of renewable energy and electric power transmission projects under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516).

SA 1029. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____. A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

SEC. ____. None of the funds made available by this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

SEC. ____. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2012 for which the cost to the Government was more than $20,000.

(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

(1) a description of the subject of and number of participants attending that conference;

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

(B) the cost of any audio-visual services; and

(C) a discussion of the methodology used to determine which costs relate to that conference; and a description of the contracting procedures relating to that conference, including—

(i) whether contracts were awarded on a competitive basis for that conference; and

(ii) a discussion of any cost comparison conducted by the department, agency, board or commission in evaluating potential contractors for that conference.

SA 1030. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used to carry out any activity directed specifically or noncompetitively for algae-based biofuels.

SA 1031. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding title III of division A, none of the funds made available by this Act shall be used to promulgate any regulation establishing energy-efficiency standards for televisions.

SA 1032. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding any other provision of this Act, none of the funds made available by this Act shall be used by the Office of Fossil Energy to carry out any energy research relating to fossil fuels, except that nothing in this section affects the responsibilities of the Secretary of Energy relating to national petroleum reserves.

SA 1033. Mr. JOHNSON, of South Dakota (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title II of division A, at the end of the sections under the heading ''GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR'', add the following:

SEC. _____. Any funds available to carry out the Oglala Sioux Rural Water Supply System established under section 3(a) of the Mni Wiconi Project Act of 1988 (Public Law 100–516; 102 Stat. 2566) shall also be available for the Secretary of the Interior to plan, design, construct, operate, maintain, and replace the Oglala Sioux Rural Water Supply System within the entire boundary of the Pine Ridge Indian Reservation, including the tract of land in the State of Nebraska set aside as part of the Pine Ridge Indian Reservation by the Executive order dated February 20, 1904.

SA 1034. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID, to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 4, insert '', including any engineering and technical studies the Secretary determines to be necessary to estimate future storm-related releases of sediment deposited behind dams,'' after ''activities''.

SA 1035. Mr. CARDIN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, beginning on line 13, strike ''$58,024,000, to remain available until expended'' and insert ''$68,000,000, to remain available until expended: *Provided*, That of the funds made available under this title, each account under this title (except the accounts under this heading) shall be reduced by the pro rata percentage required to reduce the total amount provided under this title by $9,976,000''.

SA 1036. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 15, insert '', including repairs required for structural safety,'' after ''repairs''.

SA 1037. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 141, line 13, strike ''funds;'' and insert ''funds: *Provided further*, That, not later than 120 days after the date of enactment of this Act, the General Services Administration shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed report, by project, for the construction projects included in the fiscal year 2011 project plan for the Federal Buildings Fund submitted to Congress on June 20, 2011, on the use of funds provided

under this Act for each project in fiscal year 2012, the future cost to complete each project, the added costs incurred for delays associated with each project, and the estimated number of construction and related jobs unfilled because of the delays associated with completion of each project;''.

SA 1038. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''(1)'' and all that follows and inserting the following: ''(1)(A) The Administration may, upon such terms and conditions as it may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

''(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.''.

(b) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

''(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

''(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation;

''(2) the total contract amount at the time of execution of the bond or bonds exceeds $5,000,000;

''(3) the surety has breached a material term or condition of such guarantee agreement; or

''(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).'';

(2) by striking subsection (k); and

(3) by adding after subsection (i) the following:

''(j) DENIAL OF LIABILITY.—For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guaranty application.''.

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended—

(1) by striking paragraph (9); and

(2) adding after paragraph (8) the following:

''(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.''.

SA 1039. Ms. STABENOW (for herself, Mr. DURBIN, Mr. LEVIN, Mr. KOHL, Mr. BROWN of Ohio, Mr. FRANKEN, Mrs. GILLIBRAND, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 1___. ASIAN CARP.

(a) DEFINITIONS.—In this section:

(1) HYDROLOGICAL SEPARATION.—The term ''hydrological separation'' means a physical separation on the Chicago Area Waterway System that—

(A) would disconnect the Mississippi River watershed from the Lake Michigan watershed; and

(B) shall be designed to be adequate in scope to prevent the transfer of all aquatic species between each of those bodies of water.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(b) EXPEDITED STUDY AND REPORT.—

(1) IN GENERAL.—The Secretary shall—

(A) expedite completion of the report for the study authorized by section 3061(d) of the Water Resources Development Act of 2007 (Public Law 110–114; 121 Stat. 1121); and

(B) if the Secretary determines a project is justified in the completed report, proceed directly to project preconstruction engineering and design.

(2) FOCUS.—In expediting the completion of the study and report under paragraph (1), the Secretary shall focus on—

(A) the prevention of the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins, including through permanent hydrological separation of the Great Lakes and Mississippi River Basins; and

(B) the watersheds of the following rivers and tributaries associated with the Chicago Area Waterway System:

(i) The Illinois River, at and in the vicinity of Chicago, Illinois.

(ii) The Chicago River, Calumet River, North Shore Channel, Chicago Sanitary and Ship Canal, and Cal-Sag Channel in the State of Illinois.

(iii) The Grand Calumet River and Little Calumet River in the States of Illinois and Indiana.

(3) EFFICIENT USE OF FUNDS.—The Secretary shall ensure the efficient use of funds to maximize the timely completion of the study and report under paragraph (1).

(4) DEADLINE.—The Secretary shall complete the report under paragraph (1) by not later than 18 months after the date of enactment of this Act.

(5) INTERIM REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) interim milestones that will be met prior to final completion of the study and report under paragraph (1); and

(B) funding necessary for completion of the study and report under paragraph (1), including funding necessary for completion of each interim milestone identified under subparagraph (A).

SA 1040. Mr. SANDERS (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, line 13, strike the period at the end and insert '': *Provided further*, That of the funds made available under this heading to carry out building technology activities, $10,000,000 shall be made available to carry out geothermal heat pump research, development, and deployment activities.''.

SA 1041. Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNS, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. BLUNT, Mr. THUNE, Mr. HELLER, Mr. WEBB, Mr. MANCHIN, Mr. GRAHAM, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay compensation for senior executives at the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation in the form of bonuses, during any period of conservatorship for those entities on or after the date of enactment of this Act.

SA 1042. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Except as provided in subsection (b), none of the funds made available by this division may be used to purchase new passenger motor vehicles.

(b) This section shall not apply to the purchase of new passenger motor vehicles that will be used primarily for national security, law enforcement, public transit, safety, or research purposes.

(c) Not later than 30 days after the last day of fiscal year 2012, the head of each agency or department receiving funds under this division shall submit a report to Congress that contains—

(1) a complete inventory of the vehicles owned, permanently retired, or purchased by the agency or department during fiscal year 2012; and

(2) the total cost of the agency's or department's vehicle fleet during fiscal year 2012, including costs for vehicle maintenance, fuel, storage, purchasing, and leasing.

SA 1043. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The Propane Education and Research Act of 1996 (15 U.S.C. 6401 et seq.) is repealed.

SA 1044. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel of the Department of Energy to oversee the Propane Education and Research Council established under section 4(a) of the Propane Education and Research Act of 1996 (15 U.S.C. 6403(a)).

SA 1045. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes;; which was ordered to lie on the table; as follows:

On page 40, line 10, after ''direction:'', insert the following: '' *Provided further*, That, of the amount made available under this heading (other than for program direction), $5,000,000 shall be available for natural gas technologies, $10,000,000 shall be available for unconventional fossil energy technologies:''.

SA 1046. Mr. KOHL (for himself, Ms. STABENOW, and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, under the heading ''GENERAL PROVISIONS—DEPARTMENT OF ENERGY'', add the following:

SEC. 3_. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

''(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) COVERED WATER HEATER.—The term 'covered water heater' means—

''(I) a water heater; and

''(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

''(ii) FINAL RULE.—The term 'final rule' means the final rule published under this paragraph.

''(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

''(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

''(i) the energy factor descriptor for water heaters established under this subsection; and

''(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

''(D) EFFECT OF FINAL RULE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

''(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

''(E) CONVERSION FACTOR.—

''(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

''(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

''(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

''(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

''(v) PERIOD.—Subclause (E) shall apply during the period—

''(I) beginning on the date of publication of the conversion factor in the Federal Register; and

''(II) ending on April 16, 2015.

''(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

''(i) does not have a residential use and can be clearly described in the final rule; and

''(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

''(G) OPTIONS.—The descriptor set by the final rule may be—

''(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

''(ii) the thermal efficiency and standby loss descriptors in use as of that date;

''(iii) a revised version of the thermal efficiency and standby loss descriptors;

''(iv) a hybrid of descriptors; or

''(v) a new approach.

''(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

''(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

''(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

''(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

''(i) was manufactured prior to the effective date of the final rule; and

''(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.''.

SA 1047. Mr. REED (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In the matter under the heading ''CONSTRUCTION, GENERAL'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY'', strike ''Inland Waterways Trust Fund'' and insert ''Inland Waterways Trust Fund: *Provided*, That the funding level for each Continuing Authorities Program authority shall not be less than the amounts specified in the table on page 32 of Senate Report 112–75, except that $15,000,000 shall be made available to carry out activities described in that table as Flood Control Projects (section 205)''.

SA 1048. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

SEC. 3___. The Secretary of Energy may authorize—

(1) the operation and maintenance of a Strategic Petroleum Reserve metering station and related equipment that is underutilized (as defined in section 102-75.50 of title 41, Code of Federal Regulations (or successor regulations)) on behalf of a private sector party; and

(2) the collection of a fee for the conduct of services described in paragraph (1) consistent with chapter 4 of the Atomic Energy Act of 1954 (42 U.S.C. 2051 et seq.) in an amount sufficient to cover the costs to the Federal Government of operation and maintenance described in paragraph (1).

SA 1049. Mr. BAUCUS (for himself, Mr. ROBERTS, Mr. BINGAMAN, Mrs. MCCASKILL, Ms. CANTWELL, Mr. NELSON, of Nebraska, Mr. HARKIN, Mr. PRYOR, Mr. TESTER, Mrs. MURRAY, Mr. MORAN, Mr. CRAPO, Mr. JOHNSON, of South Dakota, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and

water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. During fiscal year 2012, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term ''payment of cash in advance'' shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SA 1050. Mr. McCAIN (for himself, Mr. COBURN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title III, at the end of the sections under the heading ''GENERAL PROVISIONS—DEPARTMENT OF ENERGY'', add the following:

SEC. ____. None of the funds made available by this Act may be used by the Secretary of Energy to issue loan guarantees that, in any circumstances at the time of, or subsequent to, the issuance of the loan guarantee, make the Secretary subordinate to other financing.

SA 1051. Mr. CORKER (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 313. (a) Notwithstanding any other provision of law, the Secretary of State shall transfer $321,000,000 of amounts appropriated or otherwise made available for the Department of State by the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012, to the Secretary of Energy for the National Nuclear Security Administration for weapons activities.

(b) The Administrator for Nuclear Security shall allocate the amount transferred under subsection (a) to the weapons activities of the National Nuclear Security Administration that the Administrator, in consultation with the Secretary of Defense, determines to be the highest priority.

SA 1052. Mr. COATS (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1____. None of the funds made available by this Act shall be expended to carry out any Federal action that would involve or lead to any hydrological separation between the Great Lakes and the Mississippi River Basins.

SA 1053. Ms. LANDRIEU (for herself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IIII of division A, add the following:

SEC. _____. The Secretary of Energy shall use $2,000,000 for the support of the U.S.-Israeli energy cooperative agreement to be derived by transfer from the funds made available by this Act for salaries and expenses of the Department of Energy necessary for departmental administration under the heading ''DEPARTMENTAL ADMINISTRATION'', so that the total amount made available under that heading is $235,623,000 and the amount made available from the general fund is not more than $123,740,000.

SA 1054. Mr. BROWN, of Ohio (for himself and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 10, insert ''*Provided further,* That not less than $25,000,000 shall be used for the research, development, and demonstration of solid oxide fuel cell systems:'' after ''program direction:''.

SA 1055. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V of division A, add the following:

SEC. 5____. Notwithstanding title III of division A, none of the funds made available by this Act or previous Acts, making funds available for Energy and Water, shall be used to promulgate any regulation establishing energy-efficiency standards for televisions.

SA 1056. Mr. WICKER (for himself, Mr. INHOFE, Mr. SESSIONS, Mr. ROBERTS, Mr. PAUL, and Mr. JOHANNS) submitted an amendment intended to be proposed by him to the bill S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

SEC. 527. FREEDOM OF CONSCIENCE OF MILITARY CHAPLAINS WITH RESPECT TO THE PERFORMANCE OF MARRIAGES.

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

SA 1057. Mr. WHITEHOUSE (for Mr. NELSON, of Florida) proposed an amendment to the resolution S. Res. 303, honoring the life, service, and sacrifice of Captain Colin P. Kelly Jr., United States Army; as follows:

In the preamble, amend the fourth and tenth clauses by striking ''December 10, 1941'' and inserting ''December 9, 1941''.

SA 1058. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I (under the heading ''CORPS OF ENGINEERS—CIVIL, DEPARTMENT OF THE ARMY''), add the following:

SEC. 1_____. In addition to any other funds made available under this Act, the Chief of Engineers shall use $1,250,000 to carry out activities under the heading ''GENERAL INVESTIGATIONS'' under the heading ''CORPS OF ENGINEERS—CIVIL'' to be derived by transfer from the funds made available by this Act under the heading ''GENERAL EXPENSES'' under the heading ''CORPS OF ENGINEERS—CIVIL'', so that the total amount made available under the heading ''GENERAL EXPENSES'' is $183,750,000 and the total amount made available under the heading ''GENERAL INVESTIGATIONS'' is $126,250,000.

SA 1059. Mr. COONS (for himself, Mr. CASEY, and Mr. TOOMEY) submitted an amendment intended to be proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 17, after ''Public Law 104–303;'' insert ''of which $30,000,000 shall be made available to carry out ongoing work relating to navigation, $13,000,000 shall be made available to carry out ongoing work relating to environmental restoration or compliance projects, $35,000,000 shall be made available to carry out ongoing work relating to environmental infrastructure projects, and $3,000,000 shall be made available to carry out the Aquatic Plant Control Program;''.

SA 1060. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 957 proposed by Mr. REID to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, line 15, insert '': *Provided further,* That none of the funds made available under this heading or under any other provision of law, may be used to promote or support the operations of Radio Marti or TV Marti'' before the period at the end.

On page 242, line 21, strike ''including to Cuba,''.

SA 1061. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division C, add the following:

SEC. 7088. None of the funds appropriated or otherwise made available by this division may be obligated or expended to implement new programs or expand existing programs of the International Pacific Halibut Commission until the Secretary of State determines that the Commission has sufficient funds available to cover the overhead costs of the Commission.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mrs. FEINSTEIN. 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 November 16, 2011, at 9 a.m. to conduct a hearing entitled ''Weeding Out Bad Contractors: Does the Government Have the Right Tools?''

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

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on November 16, 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.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Securities, Insurance, and Investment be authorized to meet during the session of the Senate on November 16, 2011, at 9:30 a.m., to conduct a hearing entitled ''Management and Structural Reforms at the SEC: A Progress Report.''

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND THE COAST GUARD

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on November 16, 2011, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Weathering Change: Need for Continued Innovation in Forecasting and Prediction.''

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

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Val Molaison, a fellow in Senator TESTER's office, be granted floor privileges for the duration of today's session.

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

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Adam Christensen, a congressional science fellow assigned to my office, be granted floor privileges during consideration of this bill.

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

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Miles Chiotti, an intern from Senator GRASSLEY's office, have floor privileges for the remainder of the day.

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

COMMEMORATING THE 50TH ANNIVERSARY OF THE COMBINED FEDERAL CAMPAIGN

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 229, S. Res. 296.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 296) commemorating the 50th anniversary of the Combined Federal Campaign.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. 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 that any related statements be printed in the RECORD.

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

The resolution (S. Res. 296) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 296

Whereas the Combined Federal Campaign was established pursuant to Executive Order 10927 (26 Fed. Reg. 2383) signed by President John F. Kennedy on March 18, 1961;

Whereas the Combined Federal Campaign is the only authorized charitable fundraising campaign for Federal employees, employees of the United States Postal Service, and members of the armed forces;

Whereas the Combined Federal Campaign operates in more than 119 localities throughout the United States, Puerto Rico, the United States Virgin Islands, and overseas military installations;

Whereas more than 20,000 nonprofit charitable organizations participate annually in the Combined Federal Campaign;

Whereas the men and women of the Federal Government, the United States Postal Service, and the Armed Forces have contributed approximately $7,000,000,000 to local, national, and international charities over the past 50 years, making the Combined Federal Campaign the largest and most successful workplace charitable drive in the world; and

Whereas commemorating the 50th anniversary of the Combined Federal Campaign will thank public servants whose generous contributions over the years have helped to feed hungry children, cure disease, comfort the sick and dying, protect the environment and natural resources of the United States, and offered hope to people and communities across the United States and worldwide: Now, therefore, be it

Resolved, That the Senate:

(1) commemorates the 50th anniversary of the Combined Federal Campaign;

(2) commends public servants of the United States for their unyielding dedication, generosity, and spirit of charitable giving;

(3) calls upon the new generation of Federal employees, employees of the United States Postal Service, and members of the Armed Forces to participate annually in the Combined Federal Campaign;

(4) encourages all Federal employees, employees of the United States Postal Service, and members of the Armed Forces to continue their philanthropic efforts for the betterment of the less fortunate; and

(5) urges the people of the United States to observe the 50th anniversary of the Combined Federal Campaign with appropriate ceremonies and activities.

EXPRESSING SUPPORT FOR IMPROVEMENT REGARDING RECYCLED MATERIALS IN THE UNITED STATES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of S. Res. 251 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. 251) expressing support for improvement in the collection, processing, and consumption of recycled materials throughout the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. 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 that any statements related to the measure be printed in the RECORD.

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

The resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 251

Whereas maximizing the recycling economy in the United States will create and sustain additional well-paying jobs in the United States, further stimulate the economy of the United States, save energy, and conserve valuable natural resources;

Whereas recycling is an important action that people in the United States can take to be environmental stewards;

Whereas municipal recycling rates in the United States steadily increased from 6.6 percent in 1970 to 28.6 percent in 2000, but since 2000, the rate of increase has slowed considerably;

Whereas a decline in manufacturing in the United States has reduced both the supply of and demand for recycled materials;

Whereas recycling allows the United States to recover the critical materials necessary to sustain the recycling economy and protect national security interests in the United States;

Whereas recycling plays an integral role in the sustainable management of materials throughout the life-cycle of a product;

Whereas 46 States have laws promoting the recycling of materials that would otherwise be incinerated or sent to a landfill;

Whereas more than 10,000 communities in the United States have residential recycling and drop-off programs that collect a wide variety of recyclable materials, including paper, steel, aluminum, plastic, glass, and electronics;

Whereas, in addition to residential recycling, the scrap recycling industry in the United States manufactures recyclable materials collected from businesses into commodity-grade materials;

Whereas those commodity-grade materials are used as feedstock to produce new basic materials and finished products in the United States and throughout the world;

Whereas recycling stimulates the economy and plays an integral role in sustaining manufacturing in the United States;

Whereas, in 2010, the United States recycling industry collected, processed, and consumed over 130,000,000 metric tons of recyclable material, valued at $77,000,000,000;

Whereas many manufacturers use recycled commodities to make products, saving energy and reducing the need for raw materials, which are generally higher-priced;

Whereas the recycling industry in the United States helps balance the trade deficit and provides emerging economies with the raw materials needed to build countries and participate in the global economy;

Whereas, in 2010, the scrap recycling industry in the United States sold over 44,000,000 metric tons of commodity-grade materials, valued at almost $30,000,000,000, to over 154 countries;

Whereas recycling saves energy by decreasing the amount of energy needed to manufacture the products that people build, buy, and use;

Whereas using recycled materials in place of raw materials can result in energy savings of 92 percent for aluminum cans, 87 percent for mixed plastics, 63 percent for steel cans, 45 percent for recycled newspaper, and 34 percent for recycled glass; and

Whereas a bipartisan Senate Recycling Caucus and a bipartisan House Recycling Caucus were established in 2006 to provide a permanent and long-term way for members of Congress to obtain in-depth knowledge about the recycling industry and to help promote the many benefits of recycling: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for improvement in the collection, processing, and consumption of recyclable material throughout the United States in order to create well-paying jobs, foster innovation and investment in the United States recycling infrastructure, and stimulate the economy of the United States;

(2) expresses support for strengthening the manufacturing base in the United States in order to rebuild the domestic economy, which will increase the supply, demand, and consumption of recyclable and recycled materials in the United States;

(3) expresses support for a competitive marketplace for recyclable materials;

(4) expresses support for the trade of recyclable commodities, which is an integral part of the domestic and global economy;

(5) expresses support for policies in the United States that promote recycling of materials, including paper, which is commonly recycled rather than thermally combusted or sent to a landfill;

(6) expresses support for policies in the United States that recognize and promote recyclable materials as essential economic commodities, rather than wastes;

(7) expresses support for policies in the United States that promote using recyclable materials as feedstock to produce new basic materials and finished products throughout the world;

(8) expresses support for research and development of new technologies to more efficiently and effectively recycle materials such as automobile shredder residue and cathode ray tubes;

(9) expresses support for research and development of new technologies to remove materials that are impediments to recycling, such as radioactive material, polychlorinated biphenyls, mercury-containing devices, and chlorofluorocarbons;

(10) expresses support for Design for Recycling, to improve the design and manufacture of goods to ensure that, at the end of a useful life, a good can, to the maximum extent practicable, be recycled safely and economically;

(11) recognizes that the scrap recycling industry in the United States is a manufacturing industry that is critical to the future of the United States;

(12) expresses support for policies in the United States that establish the equitable treatment of recycled materials; and

(13) expresses support for the participation of households, businesses, and governmental entities in the United States in recycling programs, where available.

HONORING THE LIFE, SERVICE, AND SACRIFICE OF CAPTAIN COLIN P. KELLY, JR., UNITED STATES ARMY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Armed Services Committee be discharged from further consideration of S. Res. 303 and that the Senate proceed to its 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. 303) honoring the life, service, and sacrifice of Captain Colin P. Kelly, Jr., United States Army.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to; the Nelson amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate; and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 303) was agreed to.

The amendment (No. 1057) was agreed to as follows:

(Purpose: To amend the preamble by modifying a date)

In the preamble, amend the fourth and tenth clauses by striking ''December 10, 1941'' and inserting ''December 9, 1941''.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 303

Whereas Captain Colin P. Kelly, Jr., was born in Madison, Florida, in 1915 and graduated from that community's high school in 1932;

Whereas Captain Kelly attended the United States Military Academy at West Point, New York, graduating in 1937 and was assigned to a B–17 bomber group;

Whereas Captain Kelly was stationed in the Philippines as a B–17 pilot in the Army Air Corps when the United States came under Japanese attack on December 7, 1941;

Whereas, on December 9, 1941, when Clark Field in the Philippines was attacked by Japanese forces, Captain Kelly and his 7 crew members, Lieutenant Joe M. Bean, Second Lieutenant Donald Robins, Staff Sergeant James E. Halkyard, Technical Sergeant William J. Delehanty, Sergeant Meyer S. Levin, Private First Class Willard L. Money, and Private First Class Robert E. Altman, were sent to locate and sink a Japanese Aircraft Carrier, one of the first bombing missions of World War II;

Whereas the crew, commanded by Captain Kelly, located Japanese warships operating off the Luzon Coast, and during the mission successfully hit a large Japanese warship;

Whereas on the return flight to Clark Field, the B–17 came under attack by 2 enemy aircraft and was critically damaged;

Whereas Captain Kelly ordered his crew to bail out while he remained at the controls;

Whereas Captain Kelly continued to operate the controls as the 6 surviving crew members bailed out and parachuted safely to the ground, despite remaining under fire during the descent;

Whereas the B–17 crashed near Clark Field, killing Captain Kelly, who had remained at the controls so his crew had time to evacuate the aircraft;

Whereas Captain Kelly was posthumously awarded the Distinguished Service Cross for his heroic actions on December 9, 1941; and

Whereas the Four Freedoms Monument in Madison, Florida was commissioned by President Franklin D. Roosevelt and dedicated in Captain Kelly's memory in 1943: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Captain Colin P. Kelly, Jr., as an Army officer and pilot of the highest caliber, upholding the Army's core values of loyalty, duty, respect, selfless service, honor, integrity, and personal courage;

(2) commends Captain Kelly for his service to the United States during the first days of World War II; and

(3) honors the sacrifice made by Captain Kelly, giving his own life to save the lives of his crew.

DESIGNATING NOVEMBER 17, 2011, AS FEED AMERICA DAY

SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

DESIGNATING THE WEEK OF NOVEMBER 14 THROUGH 20, 2011, AS GLOBAL ENTREPRENEURSHIP WEEK/USA

RECOGNIZING NATIONAL NATIVE AMERICAN HERITAGE MONTH AND CELEBRATING HERITAGES AND CULTURES OF NATIVE AMERICANS AND CONTRIBUTIONS OF NATIVE AMERICANS TO THE UNITED STATES

DESIGNATING JANUARY 27, 2012, AS NATIONAL DAY OF REMEMBRANCE FOR AMERICANS WHO WORKED AND LIVED DOWNWIND FROM NUCLEAR TESTING SITES DURING THE COLD WAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 326, S. Res. 327, S. Res. 328, S. Res. 329, and S. Res. 330.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. AKAKA. Madam President, as chairman of the Committee on Indian Affairs, I am sponsoring a resolution, cosponsored by Majority Leader REID, Vice Chairman BARRASSO, and several members of the committee, designating November as Native American Heritage Month and November 25 of this year as Native American Heritage Day.

This resolution recognizes the contributions of Native Americans. We see the influence of the Iroquois Confederacy on the Founding Fathers of our country as they drafted the Constitution. And today, Native American contributions in modern agriculture, medicine, music, language, and art are undeniable. In that tradition of service, Native Americans have had the highest representation, per capita, in our Armed Forces in every war since World War II.

As a veteran of World War II and as a Native Hawaiian, I celebrate the heroic work of the Code Talkers, and the countless American military victories that were achieved in both World Wars with the unbreakable military code founded on indigenous languages and cultures.

As we reflect on Native American Heritage Month, it is important to remember our history and the promises we made. It is time to account for those promises, kept and unkept.

As a nation, we were built on the highest principles. Our Founding Fathers embraced equality, liberty, and justice and incorporated them into the very fabric of our Constitution. They contemplated the unique role of indigenous peoples in our country, and acknowledge their sovereignty in article I, section 8 of the Constitution.

The Founding Fathers set a high standard. As Americans and as Members of this body, it is our duty to continue to legislate policies in keeping with our founding principles. For this reason, I applaud President Obama's recent commitment of U.S. support for the United Nations Declaration on the Rights of Indigenous Peoples—an international standard that I have been championing for more than a decade.

In the Committee on Indian Affairs, I held an oversight hearing on domestic policy implications of the declaration. We found that while the United States is a world leader in recognizing and protecting the rights of indigenous peoples, there is more work to do. The rights of self-determination and self-governance contained in the declaration are American ideas, ones we have embraced as official Federal policy for more than 45 years. I am committed to working with my colleagues to enact legislation that gives real meaning to the high principles expressed in the United Nations Declaration on the Rights of Indigenous Peoples.

In the United States, November—Native American Heritage Month—is a time when we reflect and give thanks. I encourage my fellow Americans to learn more about the Native peoples of this land and celebrate Native American Heritage Day on the day after Thanksgiving.

As we honor the contributions of Native Americans, let us recommit ourselves to the high principles of self-determination and self-governance and strive for what is ''pono,'' just and right, for all, including our first Americans.

Mr. WHITEHOUSE. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 326

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the United States was founded;

Whereas, according to the Department of Agriculture, roughly 48,000,000 people in the United States, including 16,200,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

Resolved, That the Senate—

(1) designates Thursday, November 17, 2011, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Thursday, November 17, 2011, and to donate the money that would have been spent on that food to the religious or charitable organization of their choice for the purpose of feeding the hungry.

S. RES. 327

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as ''CDC''), nearly 26,000,000 people of the United States have diabetes and 79,000,000 people of the United States have pre-diabetes

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas each day, approximately 5,082 people are diagnosed with diabetes;

Whereas in 2010, the CDC estimated that approximately 1,900,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults of the United States and 26.9 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates as many as 1 in 3 American adults will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African, Asian, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was $218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of over 230,000 Americans in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence of, and delay the onset of, type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity level;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

S. RES. 328

Whereas research has shown that between 1980 and 2005 the majority of jobs in the United States were created by entrepreneurs and the young companies of those entrepreneurs;

Whereas the economy and society of the United States, as well as the country as a whole, have greatly benefitted from the everyday use of breakthrough innovations developed and brought to market by entrepreneurs;

Whereas Global Entrepreneurship Week/USA is an initiative to celebrate the innovators and job creators who launch startups that bring ideas to life, drive economic growth, and improve human welfare;

Whereas Global Entrepreneurship Week/USA helps existing and aspiring entrepreneurs to acquire the knowledge, skills, and networks needed to create vibrant enterprises that will improve the lives and communities of the entrepreneurs;

Whereas, in 2010, more than 445,896 individuals participated in the more than 3,200 entrepreneurial activities held in the United States alone during Global Entrepreneurship Week;

Whereas, in 2010, more than 1,300 partner organizations participated in Global Entrepreneurship Week/USA, including startup accelerators, business incubators, chambers of commerce, institutions of higher education, high schools, businesses, and State and local governments; and

Whereas, in 2011, thousands of organizations in the United States will join in the celebration by planning activities designed to inspire, connect, mentor, and engage the next generation of entrepreneurs throughout Global Entrepreneurship Week/USA: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 14 through 20, 2011, as ''Global Entrepreneurship Week/USA''; and

(2) supports the goals of Global Entrepreneurship Week/USA, including—

(A) inspiring young people everywhere to embrace innovation, imagination, and creativity; and

(B) training the next generation of entrepreneurial leaders.

S. RES. 329

Whereas from November 1, 2011, through November 30, 2011, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of November 2011 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as ''Native American Heritage Day'' in accordance with the Native American Heritage Day Act of 2009 (Public Law 111–33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

S. RES. 330

Whereas on January 27, 1951, the first of years of nuclear weapons tests was conducted at a site known as the Nevada Proving Ground, located approximately 65 miles northwest of Las Vegas, Nevada;

Whereas the extensive testing at the Nevada Proving Ground came just years after the first ever nuclear weapon test, which was conducted on July 16, 1945, at what is known as the Trinity Atomic Test Site, located approximately 35 miles south of Socorro, New Mexico;

Whereas many Americans who, during the Cold War, worked and lived downwind from nuclear testing sites (referred to in this preamble as ''downwinders'') were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing, and some of the downwinders sickened as a result of the radiation exposure;

Whereas the downwinders paid a high price for the development of a nuclear weapons program for the benefit of the United States; and

Whereas the downwinders deserve to be recognized for the sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate January 27, 2012.

ORDERS FOR THURSDAY, NOVEMBER 17, 2011

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand adjourned until 10 a.m. on Thursday, November 17, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate proceed to the consideration of S. 1867, the Department of Defense Authorization Act, under the previous order.

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

PROGRAM

Mr. WHITEHOUSE. Mr. President, we expect to receive the conference report, which contains the continuing resolution, from the House tomorrow. Senators will be notified when votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:51 p.m., adjourned until Thursday, November 17, 2011, at 10 a.m.

EXTENSIONS OF REMARKS

STRUTHERS PRESBYTERIAN CHURCH CENTENNIAL

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. RYAN of Ohio. Mr. Speaker, I rise today to congratulate Struthers Presbyterian Church for celebrating its 100th anniversary this past Sunday, November 13, 2011.

In 1804, the Struthers Presbyterian Church was formed in the log cabin home of Richard McConnell. In 1910, construction of the current Struthers Presbyterian Church began in order to accommodate a growing congregation.

Harold Milligan Sr. became a member of the church in 1922 and has watched the church grow over his lifetime. One of his fondest memories of the church was during World War II when the church held ''Bonds for Building'' dinners to support the war effort. The church continues to help the community grow and prosper. It has acted as a meeting place for many local organizations including Alcoholics Anonymous, Boy and Girl Scout Troops, and the Rotary Club. The congregation puts together welcome baskets for new city residents, they give hand-made fleece blankets to the Akron Children's Hospital, they coordinate food banks for those in need, and they organize clothing drives during the holidays.

I wish the church 100 more bountiful years of service to our community and thank the congregation for their generosity and commitment to the residents of Struthers.

IN RECOGNITION OF THE LIFE OF FORMER MAYOR EMORY FOLMAR

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mrs. ROBY. Mr. Speaker, I rise today in remembrance of a former Montgomery, Alabama Mayor, Emory Folmar, for his selfless dedication and commitment to our Alabama community. An elected official, decorated war veteran, successful business owner, and loving husband and father, Mayor Folmar lived a long and fruitful life filled with many accomplishments. Not only did I have the privilege to know him as the Mayor of my hometown, but also personally as an elder within Trinity Presbyterian Church, and as a close friend of my family.

Mayor Folmar was born in Troy, AL, and moved to Montgomery when he was fourteen years old. While earning a degree in business at the University of Alabama, Mayor Folmar also served as Cadet Colonel of the Army Reserve Officers' Training Corps (ROTC). Through ROTC, he received a Regular Army commission and went to Ft. Benning, GA, for parachute training and instructors' schools. Shortly after, he married Anita Pierce in 1952, his surviving wife of over 50 years.

That summer, Mayor Folmar deployed to Korea, where he later received the Silver Star, the Bronze Star, and the Purple Heart for his heroic service. Additionally, at the rank of Lieutenant, he received the French Croix de Guerre, an award bestowed to individuals who distinguish themselves by acts of heroism involving combat with enemy forces.

After Korea, Mayor Folmar was assigned to Ft. Campbell, KY, as an Airborne Jump Master until 1954. He then returned to Montgomery, joining his brother in construction and sales for a government-issue loan funded housing in the Cloverland neighborhood. The Folmar brothers' business eventually grew to include large commercial shopping center construction throughout the Southeast.

In 1975, Mayor Folmar entered the political arena by running for city council in 1975, where he was elected President of the Montgomery City Council and eventually became Mayor from 1977 until 1999. Among his many other political accomplishments, he ran for governor in 1982; served as campaign chairman for Ronald Reagan's finance committee in 1980; state chairman for Reagan in 1984; and chairman for Bush-Quayle in 1988 and 1992. After retiring from politics, he worked as a business consultant and was appointed Commissioner to the Alabama Beverage Control Board by Governor Bob Riley in 2003.

Mr. Speaker, I ask that my colleagues rise today to join me in remembrance of Mayor Emory Folmar. I personally am blessed and honored to call Mayor Folmar a role model and dear friend. The citizens of Montgomery will forever remember the Mayor for many years to come and the influential legacy he left behind.

IN HONOR OF THE OHIO STATE UNIVERSITY MARCHING BAND DIRECTOR DR. JON WOODS UPON HIS RETIREMENT

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. TIBERI. Mr. Speaker, I along with Congressman STEVE STIVERS rise today to honor and recognize the Ohio State University Marching Band director Dr. Jon Woods upon his retirement.

As a former member of the marching band, I had the extraordinary opportunity of learning from and getting to know Dr. Woods. To this day, I am honored and blessed to call Jon a good friend. Issuing remarks about a man that has meant so much to me and every Buckeye around the world gives me great pleasure.

The Ohio State Marching Band remains one of the most well-recognized college bands in the country. Its artistry, accuracy and sound has earned the band the informal title of ''The Best Damn Band in the Land.'' Observing the band in action fills Buckeye fans with immense pride and captivates an audience in a way unlike any other live event. Most Ohio State supporters credit much of the band's success and acclaim today to the efforts of Dr. Woods. Since his arrival, Jon has upheld the band's traditions, while also employing new and innovative techniques that have helped the band sustain so many years of unrivaled superiority.

After several decades, the Ohio State Marching Band and the entire university has benefitted from the supreme expertise and visionary leadership of Dr. Woods. He has become a cornerstone of Ohio State, and, through his legendary work, has etched his name into the school's storied history. I along with Congressman STIVERS and the entirety of the Ohio State community will greatly miss his presence. His passion for our beloved school and his years of commitment to the band have left him with an enduring legacy.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 842, I was unable to make the vote. Had I been present, I would have voted ''yea.''

HONORING MAYOR ROBERT HISON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. LEVIN. Mr. Speaker, I rise today to recognize my friend and colleague in public service, Mayor Robert Hison of Saint Clair Shores, Michigan, as he retires after 27 years of devoted and talented service on the City Council. I have deeply enjoyed working with Mr. Hison on a number of significant issues to help serve our mutual constituents.

Mr. Hison had a lengthy and successful career at Detroit Diesel Corp, retiring in 2004 after 38 years of service. He was appointed to Saint Clair Shores City Council in 1984, was reelected several times and ran for mayor in 2004, and has served the last 7 years in that capacity.

Although the position of mayor is part-time in St. Clair Shores, Mr. Hison believed it was a full-time responsibility. He devoted himself to the work and was visible everywhere throughout the city. He made it his goal to improve the city's financial future and under Mr. Hison's leadership, the City of Saint Clair Shores has continued on a path of sound financial footing despite immense economic challenges.

The City of St. Clair Shores is fortunate to be located next to Lake St. Clair, one of the most biologically diverse ecosystems in North

America and a vital resource for fishing, boating, swimming, and other recreational activities. Lake St. Clair is not the largest body of water in the Great Lakes system, but no body of water is more important. During his tenure on the City Council and especially as Mayor, Mr. Hison has worked to restore Lake St. Clair and address longstanding environmental problems that threatened the health of this vital natural resource. In particular, he has worked closely with my office and the Environmental Protection Agency to begin to address the PCB contamination that was discovered in the Ten Mile Drain adjacent to the Lake in 2002.

In addition, while serving as Mayor, Mr. Hison went beyond serving his community and lent his talents to the entire Southeast Michigan area by taking on several leadership roles with the Southeast Michigan Council of Governments (SEMCOG). He served as chair of both the Data Center and Finance & Budget Committees before being elected as vice chair of SEMCOG in 2007 and later chair in 2010. In 2010 he was nominated by SEMCOG for the open Region IX seat on the National Organization of Regional Councils (NARC) Board which serves Michigan and Ohio.

Mr. Speaker, I ask my colleagues to join me in recognizing the dedicated public service of Robert Hison and his numerous achievements. I am so pleased to join with the entire community in paying tribute to his achievements, thanking him for years of talented service. I am confident he will continue to play an important role in the community where he is so highly thought of, in addition to enjoying a bit of retirement with his wife Nancy.

INTRODUCTION OF THE SMITHSONIAN AMERICAN LATINO MUSEUM ACT

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. BECERRA. Mr. Speaker, I rise today to introduce with Congresswoman ILEANA ROS-LEHTINEN (FL–18) the Smithsonian American Latino Museum Act—a companion bill that is also being introduced today in the U.S. Senate by our colleagues Senator ROBERT MENENDEZ (NJ), Senate Majority Leader HARRY REID (NV) and Senator MARCO RUBIO (FL).

The Smithsonian American Latino Museum Act we introduce today advances the work of the National Museum of the American Latino Commission—a 23-member bipartisan, congressionally authorized commission of experts that investigated the potential creation of a museum. Through an exhaustive process that involved consultations with national experts, forums in 8 cities (Chicago, Albuquerque, Austin, Miami, St. Paul, Los Angeles, New York City, and San Juan, Puerto Rico), and communication via several online platforms that engaged tens of thousands of supporters, the commission generated valuable input regarding the feasibility of an American Latino museum in Washington, DC.

Over the past 18 years the call has grown stronger and stronger to establish such a museum on our National Mall that shares the rich and full story of what it means to be an American. The effort to create the American Latino Museum dates back to 1993, when a Smithsonian Task Force on Latino Issues formally called for the creation of a national museum dedicated to sharing the story of Latinos' historic, cultural and artistic contributions to the U.S. I was proud to introduce the legislation in 2003 that created the National Museum of the American Latino Commission. Five years later, in 2008, Congress passed the bill and it was signed by President George W. Bush. Once appointed by Congress and President Barack Obama, the Commission began its work in 2009 with the support of the Department of Interior and Secretary Ken Salazar. The Commission's final 2011 report and recommendations can be viewed at http://www.americanlatinomuseum.gov.

The bill we are introducing responds to the Commission's call for the creation of a national museum in Washington, DC that illuminates the American story for the benefit of all'' by preserving, presenting and interpreting American Latino history, art, cultural expressions, and experiences. Specifically, the bill:

(1) Establishes within the Smithsonian Institution a museum to be known as the ''Smithsonian American Latino Museum.''

(2) Designates the museum's site as the Arts and Industries Building on the National Mall, at 900 Jefferson Drive Southwest in Washington, DC.

(3) Authorizes the Smithsonian Board of Regents to prepare a plan of action for the museum, as referred to in the May 2011 Report to Congress submitted by the Commission to Study the Potential Creation of a National Museum of the American Latino, in consultation with the Secretary of Interior, the Commission of Fine Arts, the National Capital Planning Commission and federal and local agencies.

(4) Authorizes the Regents to identify and evaluate viable funding models for both the construction and operation of the museum, within 18 months after the bill is enacted.

(5) Authorizes the Regents and Secretary of the Interior to enter into an agreement that allows for the planning, design and construction of an underground annex facility, in a manner harmonious with and to protect the open space and visual sightlines of the Mall.

Today marks a key moment in our effort to ensure that the contributions of Americans of Latino descent receive the respect and recognition earned by a patriotic community of Americans who have served this nation since its inception and now number over 50 million. I look forward to working with my colleagues to pass this bill and to supporting the Smithsonian Institution in an important new chapter of its work to increase understanding of the American experience.

HONORING DALLAS SYMPHONY ORCHESTRA MUSIC DIRECTOR JAAP VAN ZWEDEN

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Mr. Jaap van Zweden, Dutch conductor and music director for the Dallas Symphony Orchestra. Mr. Van Zweden has been named 2012 conductor of the year by Musical America after joining the Dallas Symphony Orchestra as music director just 4 years ago, beginning with the 2008–09 season.

Announced at the annual Musical America Awards, conductor of the year looks to recognize artistic excellence and achievement in the arts. Mr. Van Zweden has demonstrated mastery in both of these aspects, as evident in his most impressive and diverse career over the years.

Before joining the Dallas Symphony Orchesta, Mr. Van Zweden had worked with the Chicago Symphony, the Philadelphia and Cleveland Orchestras, and the Los Angeles Philharmonic, among many others all across the world. Mr. Van Zweden currently also serves as chief conductor and artistic director of the Netherlands Radio Philharmonic and Chamber Orchestras as well as chief conductor of the Royal Flemish Philharmonic Orchestra of Belgium.

The DSO is truly privileged to have such a talented and accomplished artist to lead their musical program. As a member of the Congressional Arts Caucus, I am always looking for ways to enrich our creative capacity in Dallas and throughout the Nation. Drawing talent from outside the district is just one method for achieving this noble objective.

Mr. Speaker, it is important that we continue to honor the individuals who contribute so much cultural value here at home. Artistic and musical inspirations such as Jaap van Zweden have a positive impact on our communities and I commemorate anyone who chooses to enrich the lives of others by using their talents toward the betterment of society.

IN RECOGNITION OF RENÉE AND ROBERT BELFER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mrs. MALONEY. Mr. Speaker, I rise to honor Renée and Robert Belfer for their foresight and generosity in advancing medical research and countless other worthwhile charitable and non-profit causes. Partners in marriage and philanthropy for more than half a century, Renée and Robert Belfer are being honored this month by the internationally renowned Weill Cornell Medical College for more than two decades of leadership at the Medical College and at an affiliated institution, New York-Presbyterian Hospital.

This month, a groundbreaking ceremony is being held for the new Belfer Research Building of the internationally renowned Weill Cornell College of Medicine. Its construction was made possible by an extraordinarily generous $100 million donation by Renée and Robert Belfer. The Belfer Research Building will be a state-of-the-art 18-story facility on Manhattan's East Side that will more than double the Weill Cornell College of Medicine's existing research space and enhance its position at the cutting edge of new medical research and discoveries.

The remarkable record of support provided by Renée and Robert Belfer and their family has helped medical researchers and doctors develop enduring solutions to some of today's most pressing and prevalent health problems. In 1980, Arthur Belfer, the father of Robert Belfer, established the R.A. Rees Pritchett

Professorship of Microbiology at Weill Cornell Medical College with a gift of $1 million. In 1991, Robert and Renée Belfer and his two sisters and their husbands, Selma and Lawrence Ruben and Anita and Jack Saltz, donated $1.5 million to endow the Rochelle Belfer Professorship in Medicine at the College, and seven years later, the families contributed $4 million to endow the College's Arthur B. Belfer Professorship in Genetic Medicine and provide funding for its Arthur and Rochelle Belfer Gene Therapy Core Facility. With an $8 million gift to the College of Medicine in 2005, Robert and Renée Belfer established The Arthur and Rochelle Belfer Institute of Hematology and Medical Oncology, named in honor of his parents. The Institute is advancing critical research in fields such as solid tumor biology, cancer genomics and proteomics. Renée and Robert Belfer have also devoted financial support to programs in women's health, and in 2003 donated $1 million to create the Anti-Bioterrorism Project.

Renée and Robert Belfer have truly distinguished themselves on a multitude of fronts. A graduate of Vassar College, Mrs. Belfer is devoted to education and the arts, serving on the Board of Trustees of the Metropolitan Museum of Art; as a Director of the Lincoln Center for the Performing Arts; as an Overseer of the Albert Einstein College of Medicine; an Executive Board Member of the American Friends of the Israel Museum; and a Member of the Chairman's Circle of the Central Park Conservancy, among the numerous illustrious nonprofit institutions she and her husband have supported vigorously over the years. A graduate of Columbia College and Harvard Law School, Robert Belfer is a titan in the world of business, enjoying a long career at the Belco Petroleum Corporation, where he rose to become Chairman, and currently serving as Chairman of Belfer Management LLC, a private firm specializing in the energy, real estate and financial services sectors. He has been an extraordinary supporter of a wide variety of renowned educational and non-profit institutions, serving as a Member of the Board of Overseers and the Executive Committee of the Weill Cornell Medical College; on the Visiting Committee of Harvard University's Kennedy School; a Trustee of the Dana Farber Cancer Institute; a Member of the Board of Governors of the American Jewish Committee and the Weizmann Institute of Science; and former Chair and current Member of the Board of Trustees and Executive Committee of the Albert Einstein College of Medicine. Together, he and his wife established the Robert and Renée Belfer Family Foundation, which has unstintingly bestowed generous support on worthwhile institutions like the Weill Cornell College of Medicine. They raised children, Rachelle (Malkin), Laurence, and Elizabeth, and have five grandchildren.

Mr. Speaker, I request that my esteemed colleagues join me in paying tribute to Renée and Robert Belfer for their significant and enduring contributions to the civic life of our nation.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 841 I was unable to make the vote. Had I been present, I would have voted "nay."

IN HONOR OF THE OHIO STATE UNIVERSITY'S MARCHING BAND AND THE 75TH YEAR ANNIVERSARY OF ''SCRIPT OHIO''

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. TIBERI. Mr. Speaker, I rise today to honor and recognize "The Best Damn Band in the Land!"

In my opinion, there are not many more electrifying and time-honored traditions in college sports than The Ohio State University Marching Band's presentation of "Script Ohio." Throughout the country, it would be hard to find a college football fan that has not personally witnessed or been told the tale of this truly remarkable exhibition of music in motion. This year marks the 75th anniversary since former band director Eugene Weigel developed this storied ritual, and today "Script Ohio" continues to bring immense pride to the university and Buckeyes all over the world.

To me, attending an Ohio State football game and observing the band's elegance and precision remains a breathtaking experience. Along with other lifelong supporters of the school, I consider watching "Script Ohio" a considerably moving event, one that warms the heart of any Buckeye. The flowing spelling of those four letters stands as a monument to our state and an appreciation that all Ohioans cherish. As the band takes the field, fans throughout The Horseshoe, whatever colors they wear, quickly realize the significance of the spectacle they are witnessing.

As a former member of the band I have had the honor of forming "Script Ohio" countless times. My time with the band remains one of the most memorable and thrilling experiences in my life. One of my fondest memories is personally watching the legendary Ohio State Football Coach Woody Hayes dotting the "i" before a game. Only a handful of non-band members have ever been given the opportunity to take part in such a prestigious event. Seeing Woody honored that way was a testament to his legacy and Ohio State's respect for tradition and honor.

It deeply pleases me to speak on behalf of something that continuously fills me with pride: The Ohio State University Marching Band. Congratulations on the 75th anniversary of Script Ohio. Go Bucks!

RECOGNIZING MINNIE'S FOOD PANTRY 4TH ANNUAL THANKSGIVING DINNER GIVEAWAY

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise to recognize Minnie's Food Pantry, a 501(c)(3) agency in the Third Congressional District of Texas that provides nutritious food, free of charge, to families in underserved communities. With the community's outpouring of financial donations and food collections, Minnie's Food Pantry is one of the largest pantries in Collin County.

Founded in 2008 by Cheryl "Action" Jackson to honor her mother Minnie Hawthorne-Ewing, the organization has partnered with individuals, businesses and farmers to alleviate hunger and build community relationships. This year, Minnie's Food Pantry is hosting the 4th Annual Thanksgiving Dinner Giveaway "From Our Table to Yours."

Just this year alone, Minnie's Food Pantry has fed over 23,000 people. This Thanksgiving, Minnie's Food Pantry will provide a complete meal for more than 1,200 local families.

I am pleased to recognize Minnie's Food Pantry, along with its Board of Directors, for its invaluable contribution to combat hunger in Collin County. It is an honor and a privilege to represent this fine organization. It is organizations like Minnie's that make North Texas a great place to call home.

To Minnie Ewing and the great folks of Minnie's Food Pantry, God bless you, best wishes for wonderful things to come, and Happy Thanksgiving!

HONORING THE LIFE AND ACHIEVEMENTS OF ROBERT LEE MATHIS

HON. LARRY KISSELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. KISSELL. Mr. Speaker, I rise today to honor the life of Robert Lee Mathis, who recently passed away at the age of 77. Robert was the first African American to be elected to public office in Concord, North Carolina, and led a life of service dedicated to his community and his country.

A native of Cabarrus County, Robert Mathis joined the U.S. Navy after school where he served our nation honorably. Robert volunteered to put his life on the line in order to protect the American people and American values. He continued to live his life with this same kind of selflessness even after his military service came to an end.

Upon returning to Cabarrus County, Robert Mathis was elected to the Concord Board of Alderman, where he served for more than 15 years. Robert was the first African American to be elected to public office in Concord, making his election a landmark achievement for African Americans in my district. Even as Robert was holding local office and making history, this was still not enough. Robert was additionally a board chairman for the nonprofit Logan

Daycare Center and an active member of the First Christian Church in Concord. He wrote a book about his life that was published in 2010 titled I Made the Best of It.

Such an upstanding, dedicated local leader will be missed by his friends, family, and community. Robert is survived by his wife, four children, nineteen grandchildren, and thirteen great-grandchildren. My thoughts and prayers go out to them in this time of deep loss; I hope the memories and principles that Robert Mathis lived his life by bring them comfort. Robert will be missed by his community and his country. I am honored to be able to recognize the life of such a selfless, upstanding individual as Robert Lee Mathis today before Congress and our great nation.

PAYING TRIBUTE TO THE NORA CRONIN PRESENTATION ACADEMY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. HINCHEY. Mr. Speaker, I rise today to honor and salute the Nora Cronin Presentation Academy in the City of Newburgh, New York as this Catholic school for low-income girls prepares to dedicate its permanent home on November 21, 2011.

I am delighted to add my voice to those recognizing the Nora Cronin Presentation Academy on this important and wonderful milestone. The Academy was organized in 2003 and officially founded in 2004 by the Presentation Sisters of the Blessed Virgin Mary to offer a high quality educational alternative to young girls in the struggling City of Newburgh, which remains one of the most economically distressed communities in the State of New York. With strong support from the local community, the Academy was established through the vision and dedicated efforts of Sisters Nora Cronin, Joan Mary Gleason, Yliana Hernández, Ann Marie McMahon, Carol Melsopp, and Helen Marie Raynor, and Associate Jackie Martinez. The Academy was renamed in honor of Sister Nora following her passing in 2004.

Under the diligent leadership of its Principal, Sister Yliana, the Academy accepted its first class of fifth grade students in 2006–2007 and has grown steadily as the first class advanced and new classes entered the school. Originally housed in temporary locations in New Windsor and at another location in the City of Newburgh, the Academy purchased and redeveloped a long-neglected historic property at 69 Bay View Terrace in the City of Newburgh. The Dedication of the Academy's new permanent home is a testament to the commitment and leadership of the Presentation Sisters as well as the generosity and hard work of the Academy's Board of Directors and many local supporters.

As a result of this inspiring effort, dozens of underprivileged young girls in the City of Newburgh will have the opportunity to receive an incredible education in a supportive and safe environment. I congratulate and offer my gratitude to all those who make the Academy and the Dedication possible, and I wish the students and faculty of the Nora Cronin Presentation Academy the very best in the coming years.

A TRIBUTE TO JIM AND MEGAN WHITE

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. FITZPATRICK. Mr. Speaker, today I rise to recognize two outstanding Pennsylvanians, Jim and Megan White, who are being presented the Barry Award by the American Catholic Historical Society. The Barry Award is named after Commodore John Barry, the ''Father of the American Navy.'' John Barry was a Philadelphia Irish mariner who served as a Captain in the Navy during the Revolutionary War and subsequently received 'Commission Number One' in the Navy from President George Washington on June 4th, 1794. His military service to a young nation was instrumental in establishing the legacy of a strong Navy that we still enjoy today. The Barry Award is awarded to an American who, by their character and their contributions to church, community and professional accomplishments, has distinguished themselves. By all accounts, Jim and Megan White have exceeded these expectations, serving church and community with distinction. As a Member of Congress representing Pennsylvania, I am proud to join you in honoring them.

Jim and Megan White are an example of servant leaders who are committed to serving their local community. A devoted couple, they are loving parents to five children; whom they have taught to never back down in the face of popular opinion; and to always do what their heart and soul directs them. Megan has devoted countless hours at parish food and clothing drives and is also a member of the Woman's Auxiliary of St. Edmond's Home for Children. She provides constant support for her children and husband in all their endeavors.

Jim is a member of Legatus, the Knights of the Holy Sepulchre, Knights of Malta, Pennsylvanians for Human Life, and the Catholic Philopatrian Literary Institute. He is the President of J. J. White Inc., a family business founded by his great-grandfather in 1920. His business is the largest contracting employer in the Mid-Atlantic Region.

I am privileged to recognize Jim and Megan's commitment and selfless dedication to others. The White's exemplify the values that make Pennsylvania a great place to live and raise a family. I congratulate them on this honor and commend the American Catholic Historical Society for selecting Jim and Megan White for the Barry Award.

IN RECOGNITION OF NEIL ARMSTRONG UPON RECEIVING THE CONGRESSIONAL GOLD MEDAL

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mrs. SCHMIDT. Mr. Speaker, in 1900, Orville and Wilbur Wright left Dayton, Ohio for Kitty Hawk, North Carolina to begin testing the first manned aircraft. Little did they know in less than 70 years, another individual from Ohio would be making aviation history yet again.

Mr. Speaker, we will gather today in the Rotunda to recognize the historic accomplishments of Neil Armstrong—along with three other extraordinary men: Buzz Aldrin, Michael Collins, and John Glenn.

I, like most Americans, remember watching television in awe that July evening as Neil Armstrong took ''one small step for man, one giant leap for mankind'' onto the moon.

While the accomplishments of the Apollo program would not have been possible had it not been for those that came before it—including the Mercury and Gemini programs—we must recognize those pioneers, like Neil, who selflessly volunteered their lives for the pursuit of knowledge to go where no one had gone before.

Mr. Speaker, I urge my colleagues in joining me in congratulating my constituent, Neil Armstrong, as well as Buzz Aldrin, Michael Collins, and John Glenn upon receiving the Congressional Gold Medal.

HONORING TECHNICAL SERGEANT LUIGGE ROMANILLO UPON RECEIPT OF THE DISTINGUISHED FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Technical Sergeant Luigge Romanillo upon his award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself ''by heroism or extraordinary achievement while participating in an aerial flight.''

On May 4, 2010, Sergeant Romanillo flew a high-risk Medical Evacuation mission to extract wounded coalition forces engaged by over one-hundred insurgents near Baghram Airfield in Afghanistan. The confined landing area left the cargo door nearly five feet off the ground as hostile insurgents fired from less than 200 meters away. The aircraft received small arms damage to several control surfaces as Sergeant Romanillo and his teammate stepped off the aircraft toward the patients amid the firefight.

Under a storm of enemy bullets, Sergeant Romanillo led his team in recovering the patients. Once in the aircraft, he administered life saving treatment to his patient who had suffered a gunshot wound. The actions of Sergeant Romanillo and his team led to the successful evacuation of two wounded coalition soldiers and repatriation of two killed in action.

It was my honor and privilege to recognize Sergeant Romanillo at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation he has so selflessly served. Sergeant Romanillo has the respect and gratitude of all Americans.

HONORING JOHN FREDERICK KENSETT AND THE HUDSON RIVER SCHOOL OF PAINTING

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. HIMES. Mr. Speaker, I rise today to call attention to a recent event in the Capitol Visitors Center. Two paintings, ''Discovery of the Hudson River'' and ''Entrance into Monterey'' by Albert Bierstadt, have been placed in the Capitol complex after years in the Members' staircase in the House. These works are part of the Hudson River School of painting, a movement that influenced not only American art, but our culture and environment as well.

The Hudson River School was dedicated to an accurate depiction of landscapes, particularly emphasizing the untouched beauty of the land. Ultimately, these beautifully represented panoramas helped influence the environmental conservation movement and were used in 1916 to support the creation of the National Park Service.

John Frederick Kensett, a member of this first indigenous American school of painting, has ties to my district. Born in Connecticut, John Frederick Kensett worked as an engraver before traveling to Europe and the American West to study and paint. However, he is best known for the works he did upon his return to my state. The light-filled landscapes of the coast of Contentment Island became Kensett's signature.

Kensett's contributions to both art and culture are lasting. He was chosen by President Buchanan to serve on the only United States Capitol Art Commission to supervise the decorations of this very building during renovations in 1859. He also assisted with the foundation of the Metropolitan Museum of Art in New York City, which continues to be one of the most prominent cultural institutions in the United States. Inspired by the Hudson River School's founder, Thomas Cole, Kensett was commonly seen as Cole's successor as the leader to this important movement.

I encourage everyone to make time to appreciate these paintings and the legacy of the Hudson River School.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. VAN HOLLEN. Mr. Speaker, due to my responsibilities related to the Joint Select Committee on Deficit Reduction, I missed the vote on final passage of H.R. 2838, the Coast Guard and Maritime Transportation Act. Had I been able to vote, I would have voted ''no.''

IN CELEBRATION OF THE MONTFORD POINT MARINES RECEIVING THE NATION'S HIGHEST CIVILIAN HONOR—THE CONGRESSIONAL GOLD MEDAL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. RANGEL. Mr. Speaker, as a veteran myself in a so-called ''Forgotten War'' in American history, I know what it is like to come home and feel unrecognized. The Montford Point Marines for too long have been unsung heroes. These men fought abroad to preserve our freedom and democracy, then came home and had to fight for their civil liberties.

On the eve of 11–11–11, the United States Senate passed legislation, which the United States House of Representatives voted unanimously 422–0 to honor the Montford Point Marines with the nation's highest civilian honor, the Congressional Gold Medal. These truly great American men fought in some of the bloodiest battles of World War II—the first Black Marines in the Navy. After 70 years, they have finally received the honor they deserve for a legacy we must not forget to pass on to our future generations.

At the time of their military service, discrimination and violence toward Blacks in America were rampant. Black Marines were sent to untraditional boot camps; they were segregated and instead received training at Montford Point, a facility at Camp Lejeune, North Carolina.

One of these heroic men is my beloved brother, the Honorable David N. Dinkins, who is also the first African American and 106th Mayor for the City of New York. He recounted some obstacles he and his comrades faced in an interview: ''Italian and German prisoners of war, some of them were guarded by Black soldiers. They were treated better than those people who were protecting our country; soldiers and Marines.'' My brother David further stated. ''During training, Black Marines were often kicked, slapped, could not eat until the whites had finished, and were routinely passed over for promotions.''

He even heard stories of some Black Marines following orders to march into a river where they soon drowned. Despite their hardships, the Montford Point Marines proved to be a solid force within our military, just as capable as any group of white Marines. Originally organized to serve as a temporary surge in manpower, the Blacks trained at Montford Point comprised roughly 10 percent of the Marine Corps strength during the war and were to be disbanded after hostilities ended.

Montford Point Marines won praise from several white officers for their heroism during the seizure of Okinawa and at Iwo Jima. They were even sent to Nagasaki to clean up after the atomic bomb was dropped. Documented by the Montford Point Marine Association, much of that heroism occurred with the 51st Defense Battalion, which arrived at Saipan in the Mariana Islands to support the 2nd and 4th Marine Divisions of V Amphibious Corps. While they were assisting the combat units, one of their own, Private First Class Leroy Seals of Brooklyn, New York, was shot and died the next day of his wounds. The Montford Point Marines picked up their rifles that day, fought back the Japanese, and even destroyed one of the Japanese machine guns from the beachhead perimeter side-by-side with the white combat units. In February 1945, a group from the 51st landed on Iwo Jima with the 5th Division, 28th Regiment. The combat regiment came ashore and it seemed that taking Iwo Jima would be a cakewalk. The Japanese, however, had planned an ambush. They (the Japanese) had placed guns on either side of Mount Suribachi and were firing at will onto the Marines on the island. The Black Marines of the 8th Ammunition Company landed during the second or third wave and somehow they kept ammunition in the hands of the combat units throughout this deadly firefight. Repeatedly the Black Marines delivered the much-needed ammunition. Though the Japanese actually shot two trucks from under one of the drivers, he kept coming back. Combat Marines who thought they had seen everything cheered this young, Black Marine from their foxholes. The Montford Point Marines knew their job was to keep the combatants supplied and they did so with great valor and at great expense to their company. The Japanese soon saw this and began to make their assault on the Ammo Company as well as the combat Marines. The Montford Point Marines rose to the occasion by fighting off these attacks as they continued their supply missions. This is the courage and stamina that lead Admiral Nimitz, Commander of the Fleet in the Pacific to say, ''On Iwo Jima, in the ranks of all the Marines who set foot on that Island uncommon valor was a common virtue.''

Those early Montford Point Marines were the catalyst for the great presence of African Americans in the Marine Corps. By the time that camp was closed for recruit training in 1949, over 21,000 recruits were trained and molded there. In July of 1948, President Harry S Truman issued Executive Order No. 9981, ending segregation in the military altogether. In September of the following year, Montford Point was deactivated, ending the legacy of inequality.

Twenty years following World War II, during August 1965, a group of enterprising Marine veterans and active duty Marines from Philadelphia organized a reunion. The purpose was to renew old friendships and share experiences of former comrades who received recruit training at Montford Point Camp, Camp Lejeune, and New River, North Carolina. This group, chaired by then Master Gunnery Sergeant, Brooks E. Gray, USMC, held a meeting in Philadelphia, Pennsylvania, and formulated and developed plans for a National Reunion. The response was overwhelming and 400 Marines from all over the country convened at the Adelphia Hotel in Philadelphia. In 1966, the Montford Point Marine Association, Inc. received its Charter and founder Brooks E. Gray became the Association's first National President.

Next year, the Marine Corps will officially begin teaching all their servicemen and servicewomen about the Montford Point Marines. There is a museum dedicated to their service located at Camp Gilbert H. Johnson in Jacksonville, North Carolina. The Montford Point Marines Association continues to work tirelessly to preserve their stories, which serve as a reminder of the struggles behind us and the challenges ahead. In order to truly appreciate their legacy, we must continue sharing this story.

Sunday, November 6, the New York Metropolitan Chapter of the Montford Point Marine Association honored the 69th Anniversary of the original Montford Point Marines and the 44th Anniversary of the New York Chapter at the elegant Antun's Caterers in Queens, New York. The New York Chapter also acknowledged the 236th Birthday of the United States Marine Corps and honored their National Convention Award recipients.

Mr. Speaker, I ask you to join my colleagues and a very grateful nation as we congratulate my dear friend James Maillard, President of the New York Metropolitan Chapter and the Montford Point Marine Association as we finally pay tribute to our courageous first Black Marines.

HONORING CAPTAIN HUNG D. NGUYEN UPON RECEIPT OF THE AIR MEDAL WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Captain Hung D. Nguyen upon his award of the Air Medal with Valor.

The Air Medal was established by Executive Order in 1942 to honor any person serving in the Armed Forces who distinguishes him or herself by "meritorious achievement while participating in aerial flight."

On August 9, 2009, Captain Hung D. Nguyen was copilot on one of the ships sent to recover five Afghan soldiers seriously wounded in Kandahar, Afghanistan. Through intense small arms and rocket propelled grenade fire, Captain Nguyen was able to load four of the five wounded soldiers on his aircraft.

Captain Nguyen's calm demeanor and leadership while providing time critical navigation and communications, identifying the landing zone, and directing the pilot to perform evasive maneuvers saved sixteen lives and two aircraft.

It was my honor and privilege to recognize Captain Hung D. Nguyen at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation he has so selflessly served. Captain Hung D. Nguyen has the respect and gratitude of all Americans.

IN MEMORY OF ROLLIN POST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. GEORGE MILLER of California. Mr. Speaker, Ms. PELOSI, Ms. ESHOO and I rise in the memory of Rollin Post, a distinguished journalist, beloved husband, and proud father and grandfather, great American, and dear friend.

Rollin was a radio reporter and then television journalist in California for more than four decades, spending most of his career in the San Francisco Bay Area. He was, quite simply, the best at his craft. He died on October 3 at the age of 81 after suffering from Alzheimer's disease.

We also rise today to mourn the death of Rollin's wife, Diane Opley Post. After 57 years of a remarkable marriage, Diane survived her husband's death by only a month. She died peacefully at their residence in Corte Madera, California on November 6 at the age of 82. Diane, and her engagement in many important civic activities, will be fondly remembered.

We will miss Diane and Rollin for their friendship. And we offer our sympathy to their three children and five grandchildren and we thank them for having shared their parents with us for so many wonderful years.

Rollin was born in New York City in 1930 and received his undergraduate degree in political science from the University of California, Berkeley in 1952. He started as a radio reporter for the CBS affiliate in Los Angeles in 1954, switched to television in 1957, and moved to the Bay Area in 1961 where he spent more than 40 years working for three television stations—KPIX, the CBS affiliate, KQED, a public television station, and KRON, the NBC affiliate.

Rollin represented the best of political journalism. His deep understanding and knowledge of the issues and the California electorate were unparalleled. His analysis of state and national events truly informed his viewers. When "gotcha" journalism became the norm in his industry, Rollin stayed true to his beliefs about what it took to be a really good journalist.

Rollin informed himself before his interviews, asked his questions, and then asked them again if he didn't feel they had been properly answered. He was very tough but he was fair. He respected his viewers by holding politicians to high standards. Rollin was a man of high integrity, and his love of journalism and politics showed in every broadcast.

Our country is poorer today in the absence of his excellent reporting.

We ask our colleagues to join us in remembering Rollin Post and in honoring him for his efforts as a journalist to keep our country informed, its politicians honest, and the journalistic profession serious.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 840, I was unable to make the vote. Had I been present, I would have voted "yea."

COMMENDING THE SERVICE OF CORPORAL TYLER SOUTHERN TO THE UNITED STATES OF AMERICA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. SHULER. Mr. Speaker, I rise today to honor Corporal Tyler J. Southern of the United States Marine Corps. Cpl. Southern is a real American hero who nearly died on the battlefield, losing both of his legs, one of his arms as well as part of the other arm, and a hand. On November 20, 2011, Corporal Southern is tandem jumping with Team X.T.R.E.M.E. and Jeremy Soles into FedEx Stadium to kickoff the game between the Washington Redskins and the Dallas Cowboys. I ask that this poem by Albert Caswell be placed in the CONGRESSIONAL RECORD in Cpl. Southern's honor.

LOOK ABOVE

Look!
Look above!
As it's there you will find America's Greatest of all loves!
Look above!
At our sons and daughters, who so go off to war . . .
Armed but with only their most magnificent hearts and souls, to all of our Freedoms to so insure!
So very fine and so very pure . . . with such courage, and such might . . . And such faith so evermore!
Look above, at such Strength In Honor . . . All at the ones who America so loves!
As it's there you will find, the true sum of the meaning of the word love!
Such selfless sacrifice . . . such brilliant of all lights, coming down to you now from above!
The ones who bring such tears to the angels eyes, so high above!
The ones who go off to war, and come back home without arms and legs no more!
And who now so lie, all in such soft cold quiet graves . . .
Who with their Mothers and Fathers tears, our freedom's are so paved!
Teaching us all so how to behave!
So look above, and it's there you will find and so see the meaning of the word patriotism this day!
Coming down to us all in this way . . .
And take comfort, all in that we have such men as Tyler Southern on this very day!
Marines, whose fine hearts shall never wave!
Who so gave up his strong arm and fine legs!
Ooo Rah . . . JAR HEAD! 'Oh what your most magnificent life has so said!
And take comfort, all in his most magnificent shades of green!
All because of The Army, Navy, Air Force, Coast Guard,
And The United States Marines! We All Now So Live In Peace!
And as you lay your head's down to sleep, all in your hearts and souls so ever keep . . .
A warm spot for all of these . . . Heroes so very deep!
And for all of those families who now so weep!
And look above and thank them all, all in your hearts of love to keep!
Men Tyler who are First To Fight, whose fine heart ignite!
And take comfort in knowing of, America's Greatest of All Loves!
Now Look, Look Above!

HONORING LIEUTENANT COLONEL GEORGE G. DONA, MAJOR MARY O. JENNINGS HEGAR, SENIOR MASTER SERGEANT STEVE R. BURT, AND TECHNICAL SERGEANT TIEJIE A. JONES UPON RECEIPT OF THE DISTINGUISHED FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Lieutenant Colonel George G. Dona, Major Mary O. Jennings Hegar, Senior Master Sergeant Steve R. Burt, and Technical Sergeant Tiejie A. Jones upon their award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself "by heroism or extraordinary achievement while participating in an aerial flight."

On July 29, 2009, Lieutenant Colonel George G. Dona, Major Mary O. Jennings Hegar, Senior Master Sergeant Steve R. Burt, and Technical Sergeant Tiejie A. Jones evacuated three United States soldiers injured when their convoy was attacked near Kandahar Airfield, Afghanistan. Colonel Dona and Major Hegar were injured when a bullet pierced their aircraft's window, injuring Major Hegar's arm and Colonel Dona's leg. Despite the heavy fire, the pararescue team departed the aircraft to assist with the medical evacuation. However, the aircraft was forced out of the landing zone. After several minutes airborne, Major Hegar and Colonel Dona voluntarily risked their lives to return and rescue their patients and pararescuemen from the ambush.

While still under attack, Sergeant Jones assisted with loading the casualties and Sergeant Burt aided the pilots during takeoff to keep the aircraft functional. Due to fuel loss from the number one engine, the crew had to land less than two miles away. Sergeant Burt administered first aid and assisted in the transfer of patients to another aircraft. Their bravery saved three patients and ensured the survival of the crew.

It was my honor and privilege to recognize Lieutenant Colonel George G. Dona, Major Mary O. Jennings Hegar, Senior Master Sergeant Steve R. Burt, and Technical Sergeant Tiejie A. Jones at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation they have so selflessly served. Lieutenant Colonel George G. Dona, Major Mary O. Jennings Hegar, Senior Master Sergeant Steve R. Burt, and Technical Sergeant Tiejie A. Jones have the respect and gratitude of all Americans.

PERSONAL EXPLANATION

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. MURPHY of Connecticut. Mr. Speaker, I was unavoidably detained from November 1 until November 15, as I was attending to family matters surrounding the birth of my son.

A TRIBUTE TO JOLENE KOESTER, PRESIDENT OF CALIFORNIA STATE UNIVERSITY, NORTHRIDGE

HON. BRAD SHERMAN

OF CALIFORIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. SHERMAN. Mr. Speaker, I rise today to honor the extraordinary leadership and service of Dr. Jolene Koester. Dr. Koester began her appointment as the fourth president of California State University, Northridge on July 1, 2000, one of the largest campuses in the 23-campus California State University system. In May 2011, she announced her plans to step down as president at the end of December 2011 and subsequently retire from The California State University.

California State University, Northridge is a vibrant, diverse university community of more than 36,000 students served by 4,000 faculty and staff. The University plays an indispensable role in the San Fernando Valley as an intellectual, cultural and economic driver.

Under her leadership, the University has improved graduation rates, received record levels of fundraising, and become known for its culture of collaboration. Dr. Koester's vision and determination led to the development of the Valley Performing Arts Center at California State University, Northridge—the first world-class concert hall for nearly 2 million residents of the San Fernando Valley. During her tenure, she has increased the overall stature of Cal State Northridge, resulting in improved visibility and relationships in the San Fernando Valley and Los Angeles.

Known nationally for her leadership in the area of higher education, Dr. Koester is a member and past chair of the Board of Directors for the American Association of State Colleges and Universities. Dr. Koester serves the greater Los Angeles community on the boards of directors for the Los Angeles Area Chamber of Commerce, the Valley Economic Alliance, and the Valley Industry and Commerce Association. She also is a board member of the Los Angeles World Affairs Council and the Los Angeles Jobs and Economy Committee. She has received numerous awards and recognitions for her leadership in the Los Angeles region.

Prior to her appointment at Cal State Northridge, Dr. Koester served as provost and vice president for Academic Affairs at California State University, Sacramento. Before her service as provost, she held other executive positions in the academic affairs division at Sacramento State, and was a faculty member there, as a professor of communication studies, since 1980. She earned a Bachelor's of Arts from the University of Minnesota in 1970, a Master's of Arts in communication arts from the University of Wisconsin-Madison in 1971, and a Ph.D. in speech communication from Minnesota in 1980.

Mr. Speaker, I wish to extend my heartfelt gratitude to Dr. Koester for her commitment to furthering the excellence of California State University, Northridge. She is an extraordinary leader whose legacy will succeed her for decades to come.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today for the first time our national debt has surpassed $15 trillion dollars. Currently, our national debt is $15,033,607,255,920.32.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $4,395,181,509,626.52 since then. This debt and its interest payments we are passing to our children and all future Americans.

HONORING SENIOR MASTER SERGEANT LARRY I. HIYAKUMOTO AND STAFF SERGEANT JOSHUA M. WEBSTER UPON RECEIPT OF THE DISTINGUISHED FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Senior Master Sergeant Larry I. Hiyakumoto and Staff Sergeant Joshua M. Webster upon their award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself "by heroism or extraordinary achievement while participating in an aerial flight."

On June 27, 2010, Senior Master Sergeant Larry I. Hiyakumoto and Staff Sergeant Joshua M. Webster participated in eight non-stop Casualty Evacuation missions near Bagram Airfield, Afghanistan. They rescued and treated wounded personnel for nearly seven straight hours.

On one mission, Sergeant Webster was hoisted down from the helicopter while Sergeant Hiyakumoto manned the aircraft's machine gun. While braving enemy fire, Sergeant Webster pulled a wounded soldier to safety. Sergeant Hiyakumoto then began to treat the soldier for multiple broken bones and traumatic head injuries. Sergeant Hiyakumoto and Sergeant Webster ultimately saved thirteen United States soldiers and coalition forces.

It was my honor and privilege to recognize Senior Master Sergeant Larry I. Hiyakumoto and Staff Sergeant Joshua M. Webster at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation they have so selflessly served. Senior Master Sergeant Larry I. Hiyakumoto and Staff Sergeant Joshua M. Webster have the respect and gratitude of all Americans.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 839, I was unable to make the vote. Had I been present, I would have voted "yea."

ENCOURAGE AMERICANS TO LISTEN TO OUR COMBAT VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. FILNER. Mr. Speaker, I have recently introduced a resolution that encourages every American to spend Veterans Day as a national day of listening to the experiences and stories of our nation's combat veterans, H. Res. 456.

With more than 1.7 million veterans who have served tours of duty in the most recent conflicts in Iraq and Afghanistan, a whole new generation of heroes has returned home from war and started the transition from military life to civilian life. These veterans have joined the ranks of the nearly 22 million military veterans in the United States.

These honorable men and women who have served in our armed forces have experienced unique and sometimes incomprehensible things while serving our country and as they have returned home. We owe them an immense debt of gratitude—and we can express our appreciation by asking about and listening to their experiences.

My resolution, H. Res. 456, calls upon all Americans to observe Veterans Day by offering to listen with respect and without judgment to the stories of combat veterans from all conflicts. Veterans often feel less isolated and suffer less when they are offered the chance to have ordinary, civilian citizens simply listen to them recount their experiences serving their country.

I invite my colleagues to join with me and encourage all citizens to honor the service of our nation's veterans this Veterans Day by listening to them share the stories of their military service.

INTERAGENCY WORKING GROUP (IWG) GUIDELINES

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. GOODLATTE. Mr. Speaker, I rise today to express my deep concern over the draft guidelines by the Interagency Working Group (IWG) on Food Marketed to Children. These guidelines would state that food must meet certain nutritional standards to be marketed to children. Quite frankly, these guidelines are so draconian that the advertising of nearly all foods to children and adolescents would be banned. This ban would include thousands of healthy products that could no longer be marketed to children, including most soups, cereals, yogurt, bread, and cheese—all foods determined beneficial for participants in the Supplemental Nutrition Program for Women, Infants and Children (WIC). It is shocking that the Federal Government would be working to limit the advertising of foods like low fat and fat free dairy products which play a vital role in the diets of children and adolescents.

While I have strong concerns about nutritional products that would be affected by the IWG's marketing guidelines, it is important to note how far reaching these guidelines are. The IWG defined marketing to include packaging, point of sale displays, text messages, sponsorships, philanthropic activity, and even the shape of food. These guidelines would limit the ability of companies to sponsor a sporting event or to partner in a charitable activity because it could be seen as marketing to children. Does the Federal Government really want to be telling a company that they can't be involved in their communities in these ways? This will be harmful to the communities while doing little to benefit children's nutritional health.

The IWG guidelines are just another example of excessive government red tape. I urge the IWG to withdraw this proposal.

HONORING MAJOR THOMAS W. KEEGAN UPON RECEIPT OF THE DISTINGUISHED FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Major Thomas W. Keegan upon his award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself "by heroism or extraordinary achievement while participating in an aerial flight."

On June 29, 2009, Major Keegan led a two-ship formation near Bastion Forward Operating Base in Afghanistan on an urgent medical evacuation into the hostile Helmand Province. The ship formation, call sign Pedro35 flight, had four missions that day, the first and second of which were to a point of injury where a British vehicle had overturned into a canal. While on approach to the site, Major Keegan noted friendly armored personnel carriers firing outbound from his three o'clock position. In response, Major Keegan broke his aircraft through multiple gun patterns directly between the enemy compound and origin of fire and the defenseless aircraft on the ground conducting evacuation operations.

Major Keegan's heroism and willingness to highlight himself, aircraft, and crew to draw enemy fire away from the patients and vulnerable aircraft allowed the flight to successful extract a wounded British soldier. Major Keegan's actions directly contributed to the widespread acclaim of the Pedro operation, giving much needed peace of mind to troops conducting ground combat operations.

It was my honor and privilege to recognize Major Keegan at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation he has so selflessly served. Major Keegan has the respect and gratitude of all Americans.

RECOGNIZING DPU AND AUSIB FOR HOSTING HISTORIC INDO-U.S. EDUCATION CONCLAVE 2011

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to recognize Dr. P.D. Patil and the DPU University of which he is Chancellor for his visionary leadership in partnering with Mr. Sanjay Puri of the Alliance for U.S.-India Business (AUSIB), and with the State Legislative Leaders Foundation (SLLF), to host the Indo-U.S. Education Conclave 2011, a first-of-its-kind global educational event to be held in Pune, India from December 5–7, 2011.

This event brings together prominent thinkers from the fields of education, politics and business for purposes of promoting the highest standards of education, value systems and governance. The Summit aims to build partnerships between Indian and American universities in line with the Obama-Singh 21st Century Knowledge Initiative (OSI) launched last year.

Given the importance of this first Indo-U.S. Education Conclave, I want to publicly commend Dr. Patil who I had the privilege of hosting in Washington, D.C. I am well aware of what Dr. Patil has done for the rising generation and, in tribute of his work and mission, I have honored him in the CONGRESSIONAL RECORD because I share his vision of education.

Education isn't just about collecting and distributing knowledge. Education is about the development of character and the acquisition of truth. Education is about offering one's best to the world and I thank Dr. Patil for offering his best to us.

I also commend Mr. Puri for his work. As President Obama has stated, the U.S.-India partnership is "one of the defining relationships of the 21st century," and having worked with Mr. Puri for more than a decade, I can assure my colleagues that the U.S.-India relationship is stronger because of his advocacy for and on behalf of India and Indian Americans. His passion for education and his relationships with key Members in the House and Senate will ensure the success of the Obama-Singh Knowledge Initiative.

Once more, I thank DPU, AUSIB, and the SLLF for expanding cultural, economic, educational and political ties between the two largest democracies in the world. These organizations deserve our support for expanding the presence of American universities across India, a country that sends more students to the USA than any other country in the world.

IN SALUTE OF THE 369TH VETERANS' ASSOCIATION HARLEM HELLFIGHTERS—A CONGRESSIONAL RECOGNITION IN CELEBRATION OF VETERANS DAY 11–11–11

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. RANGEL. Mr. Speaker, as a veteran of the Korean War, known today as the ''Forgotten War'', I am honored with great American pride and democracy to salute all my fellow comrades, buddies and all of the officers and members of The 369th Veterans' Association on this very special day as we celebrate Veterans Day 11–11–11.

First organized in 1916 as the 15th New York National Guard Infantry Regiment and manned by black enlisted soldiers with both black and white officers, the U.S. Army's 369th Infantry Regiment, popularly known as the ''Harlem Hellfighters,'' was the best-known African American unit of World War I. Federalized in 1917, it prepared for service in Europe and arrived in Brest in December. The next month, the regiment became part of the 93rd Division (Provisional) and continued its training, now under French instructors. In March, the regiment finally received its Federal designation and was reorganized and reequipped according to the French model. That summer, the 369th was integrated into the French 161st Division and began combat operations.

Dubbing themselves ''Men of Bronze,'' the soldiers of the 369th were lucky in many ways compared to other African Americans in 1918 France. They enjoyed a continuity of leadership, commanded throughout the war by one of their original organizers and proponents, Colonel William Hayward. Unlike many white officers serving in the black regiments, Colonel Hayward respected his troops, dedicated himself to their well-being, and leveraged his political connections to secure support from New Yorkers.

Spending over six months in combat, perhaps the longest of any American unit in the war, the 369th suffered approximately fifteen hundred casualties but received only nine hundred replacements. Unit histories claimed they were the first unit to cross the Rhine; they performed well at Chateau-Thierry and Belleau Wood, earning the epithet ''Hell Fighters'' from their enemies. Whereas African American valor usually went unrecognized, well over one hundred members of the regiment received American and/or French medals, including the first two Americans—Corporal Henry Johnson and Private Needham Roberts—to be awarded the coveted French Croix de Guerre.

The most celebrated man in the 369th was Pvt. Henry Lincoln Johnson, a former Albany, New York, rail station porter, who earned the nickname ''Black Death'' for his actions in combat in France. In May 1918, Johnson and Pvt. Needham. Roberts fought off a 24-man German patrol, though both were severely wounded. After, they expended their ammunition, Roberts used his rifle as a club and Johnson battled with a bolo knife. Johnson was the first American to receive the Croix de Guerre awarded by the French government. By the end of the war, 171 members of the 369th were awarded the Legion of Honor. During the war the 369th's regimental band (under the direction of James Reese Europe) became famous throughout Europe. It introduced the until-then unknown music called jazz to British, French and other audiences, and started an international demand for it.

At the end of the war, the 369th returned to New York City, and in February 1919, paraded through the city. Thousands lined the streets to see them: the parade began on Fifth Avenue at 61st Street, proceeded uptown past ranks of white bystanders, turned west on 110th Street, and then swung on to Lenox Avenue, and marched into Harlem, where black New Yorkers packed the sidewalks to see them. The parade became a marker of African American service to the nation, a frequent point of reference for those campaigning for civil rights. In the 1920s and 1930s, the 369th was a regular presence on Harlem's streets, each year marching through the neighborhood from their Armory to catch a train to their annual summer camp, and then back through the neighborhood on their return two weeks later

In World War II, the formation was organized as the 369th Antiaircraft Artillery Regiment, and served in Hawaii and along the West Coast. The Harlem Hellfighters have served in every major conflict since its inception, including Desert Storm, Iraqi Freedom, and the War on Terrorism in Afghanistan. The unit survives today under the command of Colonel Reginald Sanders as the 369th Sustainment Brigade Battalion of the New York Army National Guard.

As a veteran myself in a so-called ''Forgotten War'' in American history, I know what it is like to come home and feel unrecognized. On the eve of 11–11–11, the United States Senate passed legislation, which the United States House of Representatives voted unanimously 422–0 to honor the Montford Point Marines with the nation's highest civilian honor, the Congressional Gold Medal. These truly great American men fought in some of the bloodiest battles of World War II—the first Black Marines in the Navy. After 70 years, they have finally received the honor they deserve for a legacy we must not forget to pass on to our future generations.

Mr. Speaker, I ask you to join my colleagues and a very grateful nation in very special congressional salute to my dear friend General Nathaniel James, Retired, National President and all of the officers and members of The 369th Veterans' Association, Inc. as we celebrate our Veterans Day 11–11–11.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 838, I was unable to make the vote. Had I been present, I would have voted ''yea.''

HONORING LIEUTENANT COLONEL RHYS W. HUNT, 2ND LIEUTENANT ANDREW S. HEDIN, AND CHIEF MASTER SERGEANT JASON R. RED UPON RECEIPT OF THE DISTINGUISHED FLYING CROSS WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Lieutenant Colonel Rhys W. Hunt, 2nd Lieutenant Andrew S. Hedin, and Chief Master Sergeant Jason R. Red upon their award of the Distinguished Flying Cross with Valor.

The Distinguished Flying Cross is America's oldest military aviation award. In 1926, the 69th Congress established the Distinguished Flying Cross to honor any person serving in the Armed Forces who distinguishes him or herself ''by heroism or extraordinary achievement while participating in an aerial flight.''

On August 9, 2009, Lieutenant Colonel Rhys W. Hunt, 2nd Lieutenant Andrew S. Hedin, and Chief Master Sergeant Jason R. Red participated in a heroic mission near Kandahar Airfield in Afghanistan. Colonel Hunt flew the lead aircraft, PEDRO 15, in an effort to save five critically wounded American soldiers from an ongoing firefight. A Navy SEAL Team, call sign JAGUAR 09, was taking heavy fire by a larger force of Taliban fighters. The team, including their five wounded, was holed-up in a walled compound and needed immediate evacuation.

Despite the potential of enemy fire, Lieutenant Hedin supervised the loading of four of the wounded before the aircraft cabin ran out of space. Colonel Hunt directed his wingman to begin an approach to load the final patient, but as PEDRO 15 began its climb out of the zone, it came under fire so intense that both Lieutenant Hedin and Colonel Hunt felt the concussion from the blast. Lieutenant Hedin engaged an enemy squad, temporarily suppressing the threat. Chief Red took tactical lead of the aircraft, calling a break in the opposite direction. Putting himself in grave danger, Chief Red then directed the gunnery pattern by positioning himself almost completely out of the aircraft in order to maintain visual contact with the enemy. This allowed Colonel Hunt and Lieutenant Hedin to protect their vulnerable wingman by attacking the enemy squad from multiple directions. The crew's immense bravery and superb airmanship saved the lives of 16 people and two aircraft.

It was my honor and privilege to recognize Lieutenant Colonel Rhys W. Hunt, 2nd Lieutenant Andrew S. Hedin, and Chief Master Sergeant Jason R. Red at a ceremony while I was home in my district. The outstanding heroism displayed by these men deserves great recognition by the entire United States, the nation they have so selflessly served. They have the respect and gratitude of all Americans.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. VAN HOLLEN. Mr. Speaker, due to my responsibilities related to the Joint Select Committee on Deficit Reduction, I missed the vote on the rule of H. Res. 463, the National Right-to-Carry Reciprocity Act. Had I been able to vote, I would have voted "no."

CONGRATULATING THE RUN: MOVING NATURAL MEDICINE FORWARD

HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. HIMES. Mr. Speaker, I rise today to congratulate the participants of a 3,250 mile race across the United States organized to promote natural health care options. Called The Run, this is the first-ever endurance event organized to raise awareness about naturopathic medicine. The race will conclude tomorrow, Thursday, November 17, at the University of Bridgeport.

Through a four month, ninety city journey, The Run: Moving Natural Medicine Forward has endeavored to promote the causes of natural medicine, including the benefits of sustainable, quality holistic health care and the importance of healthy lifestyle management and health maintenance. By running an average of 30 miles per day, Dr. Dennis Godby and his family have helped bring attention to the urgent need to transform our nation's health.

I wish the best of luck to Dr. Godby, his family and team, and the students and faculty at the University of Bridgeport's School of Naturopathic Medicine as they work to improve the health of our country.

INTRODUCTION OF THE INCORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mrs. MALONEY. Mr. Speaker, I rise today to introduce the Incorporation Transparency and Law Enforcement Assistance Act. The bill would require the states to obtain information about the true ownership of the corporation, when incorporation papers are filed with the state.

As some have put it, this bill is a "no-brainer." And it is fairly straightforward: it would require that the person creating the corporation state the "beneficial owner" of the corporation and provide some form of identification.

Although this is as straightforward as it sounds, the implications for law enforcement are broad reaching. Criminal organizations are infamous for using shell corporations, both foreign and domestic to open bank accounts, launder money, perpetrate fraud, and finance terrorism. And it isn't difficult for them to do. Virtually no states require people applying to create corporations to provide the identity of the corporate owner. In fact, 48 of 50 states, except for Alabama and Alaska, allow for the unfettered creation of an anonymous corporate entity. As a result, just about anyone can easily manipulate the system to fund criminal activity.

Here is an example from an investigation in New York by the Manhattan District Attorney. The office announced investigations involving the movement of funds through banks in New York by entities controlled by the Iranian Military. In at least two cases, domestic shell companies were opened in two different states to further secret Iranian interests. Through a New York shell company, individuals working on behalf of the government of Iran were able to move funds to secret accounts held in offshore jurisdictions. Shockingly, the offshore government was able to give the Manhattan DA more information about the ownership of the New York entity than the state of New York could.

Although the DA does not contend that requiring a declaration of beneficial ownership would have stopped this activity, it would have at least been a piece of evidence to go on. And if the declaration of beneficial ownership had been required but falsified, it would have been an extra tool for law enforcement to shut down the entity and prosecute the perpetrators.

The bill I am introducing today will provide the kind of transparency that law enforcement needs to investigate financial crimes. However, it is narrowly drafted so that it is not overly burdensome on either states or incorporating entities. In fact, most corporations would be exempt from the bill's requirements including companies that are already regulated by federal banking regulators and companies that are over 20 employees and $10 million in revenue.

This bill is meant to capture beneficial ownership information from companies that are able to escape regulation and oversight through other federal entities.

Senator LEVIN has already introduced a similar bill in the Senate, and President Obama was the lead sponsor when he was a U.S. Senator.

In a recent CNN editorial, Global Witness stated, "Setting a standard for collecting information about the true owner of a company would level the playing field between the states while preventing terrorists, drug traffickers and kleptocrats from hiding behind corporate secrecy."

The bill is supported by numerous law enforcement associations, including the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Association of Assistant United States Attorneys, the National Narcotic Officers' Associations Coalition, the United States Marshals Service Association, and the Association of Former ATF Agents.

I urge my colleagues to support this important legislation.

HONORING MAJOR MATHEW C. WENTHE AND TECHNICAL SERGEANT JOSEPH R. KENNEY UPON RECEIPT OF THE AIR MEDAL WITH VALOR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Major Mathew C. Wenthe and Technical Sergeant Joseph R. Kenney upon their award of the Air Medal with Valor.

The Air Medal was established by Executive Order in 1942 to honor any person serving in the Armed Forces who distinguishes him or herself by "meritorious achievement while participating in aerial flight."

On June 29, 2009, Major Mathew C. Wenthe and Technical Sergeant Joseph R. Kenney conducted multiple urgent medical evacuation missions into the Babaki area of the Helmand Province in Afghanistan. During their flights to the site where a British vehicle was overturned into a canal, their aircraft maneuvered through small arms fire and rocket propelled grenades.

Without regard for their own personal safety, Major Wenthe and Technical Sergeant Kenney reengaged the enemy compound from where they had just been attacked. They exhibited bravery by putting themselves in danger to draw enemy fire to protect another aircraft on the ground.

It was my honor and privilege to recognize Major Mathew C. Wenthe and Technical Sergeant Joseph R. Kenney at a ceremony while I was home in my district. The outstanding heroism displayed deserves great recognition by the entire United States, the nation they have so selflessly served. Major Mathew C. Wenthe and Technical Sergeant Joseph R. Kenney have the respect and gratitude of all Americans.

CONGRATULATING PROFESSOR JAMES MAY, RECIPIENT OF THE 2011 PROFESSOR OF THE YEAR AWARD

HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. WEBSTER. Mr. Speaker, I am pleased to congratulate Professor James May for being named the 2011 Professor of the Year by the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching. This distinguished recognition is the only national award for excellence in undergraduate teaching and mentoring.

May is a professor of English as a Second Language at Valencia Community College's East Campus, and is highly regarded for his innovative and zealous approach to education. He is dedicated to providing his students with the tools they need to succeed in his courses, creatively incorporating mobile devices and online tools such as Google docs and

YouTube into classroom instruction. In an effort to share his concepts with other educators, May authors a website where he provides tips on how teachers can effectively connect with their students.

This is not May's first award or recognition. He was also honored by the Florida Association of Community Colleges and named their 2010 Professor of the Year.

On behalf of the citizens of Florida's 8th Congressional District, I congratulate Professor James May for his hard work, determination, and leadership. His enthusiasm and investment in Florida's students is most deserving of the 2011 Professor of the Year Award.

DUTCH AMERICAN HERITAGE DAY

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. HUIZENGA of Michigan. Mr. Speaker, today we recognize Dutch American Heritage Day, a day that honors the strong friendship between our two countries and the many contributions of Americans of Dutch descent.

It was the Netherlands who first officially recognized the flag of the newly formed United States of America on this day in 1776, and later, The Hague would become the first American Embassy in the world.

Today, the United States and the Netherlands share a very robust economic relationship. The Netherlands is the third-largest investor in the U.S. Between exports and this investment, our partnership helps to generate over 700,000 jobs in the U.S. In 2010, the Netherlands ranked seventh among all the trading partners the U.S. exports goods to.

The Netherlands has been a strong ally as well. Dutch troops fought beside Americans in occupied territory during World War II and in conflicts since, as well as serving together in peacekeeping missions across the world.

The contributions of many great Dutch-Americans have helped shape U.S. history, including three presidents, Martin Van Buren, Theodore Roosevelt, and Franklin D. Roosevelt, as well as numerous cultural figures, including Thomas Edison, Humphrey Bogart, Walter Cronkite, and, more recently, General David Petraeus.

While a destination for many immigrant settlers, the Dutch have left an influential mark on the Second District of Michigan, both economically and culturally. From cities and villages with Dutch namesakes like Borculo, Drenthe, Holland, and Zeeland, to traditions like the Tulip Festival and Sinterklaas parade, Dutch settlers have shared their heritage proudly with their neighbors.

Today we celebrate not only a common heritage, but also a friendship that has helped shape America since its birth.

We are thankful for the contribution of Dutch-Americans not only in West Michigan, but throughout the United States, and look forward to a strong partnership for years to come.

PERSONAL EXPLANATION

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 16, 2011

Mr. DIAZ-BALART. Mr. Speaker, on rollcall No. 837 I was unable to make the vote. Had I been present, I would have voted ''yea.''

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, November 17, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 30

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs mental health care, focusing on addressing wait times and access to care.

SR–418

DECEMBER 1

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine deficit reduction and job creation, focusing on regulatory reform in Indian country.

SD–628

DECEMBER 6

2:30 p.m.

Judiciary

Antitrust, Competition Policy and Consumer Rights Subcommittee

To hold hearings to examine the Express Scripts/Medco merger.

SD–226

DECEMBER 7

9:30 a.m.

Homeland Security and Governmental Affairs

To hold a joint hearing with the House Committee on Homeland Security to examine homegrown terrorism, focusing on the threat to military communities inside the United States.

HVC–210

DECEMBER 8

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine opportunities and challenges to address domestic and global water supply issues.

SD–366

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7587–S7631

Measures Introduced: Seven bills and eight resolutions were introduced, as follows: S. 1876–1882, and S. Res. 324–331. **Pages S7612–13**

Measures Passed:

National Adoption Day and Month: Committee on Health, Education, Labor, and Pensions was discharged from further consideration of S. Res. 302, expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children, and the resolution was then agreed to. **Pages S7605–08**

United States-Australia Alliance 60th Anniversary: Senate agreed to S. Res. 324, commemorating the 60th Anniversary of the United States-Australia alliance. **Pages S7604–05**

Combined Federal Campaign 50th Anniversary: Senate agreed to S. Res. 296, commemorating the 50th anniversary of the Combined Federal Campaign. **Page S7627**

Recyclable Materials: Committee on Environment and Public Works was discharged from further consideration of S. Res. 251, expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States, and the resolution was then agreed to. **Pages S7627–28**

Honoring the Life of Captain Colin P. Kelly, Jr.: Committee on Armed Services was discharged from further consideration of S. Res. 303, honoring the life, service, and sacrifice of Captain Colin P. Kelly, Jr., United States Army, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto: **Page S7628**

Whitehouse (for Nelson (FL)) Amendment No. 1057, to amend the preamble by modifying a date. **Page S7628**

Feed America Day: Senate agreed to S. Res. 326, designating Thursday, November 17, 2011, as "Feed America Day". **Page S7629**

American Diabetes Month: Senate agreed to S. Res. 327, supporting the goals and ideals of American Diabetes Month. **Pages S7629–30**

Global Entrepreneurship Week/USA: Senate agreed to S. Res. 328, designating the week of November 14 through 20, 2011, as "Global Entrepreneurship Week/USA". **Page S7630**

National Native American Heritage Month: Senate agreed to S. Res. 329, recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States. **Page S7630**

Above Ground Nuclear Weapons Testing: Senate agreed to S. Res. 330, designating January 27, 2012, as a national day of remembrance for Americans who, during the Cold War, worked and lived downwind from nuclear testing sites and were adversely affected by the radiation exposure generated by the above ground nuclear weapons testing. **Page S7630**

Measures Considered:

Energy and Water Development and Related Agencies Appropriations Act: Senate continued consideration of H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, taking action on the following amendments proposed thereto: **Pages S7596–98**

Pending:

Reid Amendment No. 957, in the nature of a substitute. **Page S7596**

Reid Amendment No. 958 (to Amendment No. 957), to change the enactment date. **Page S7596**

Reid Amendment No. 959 (to Amendment No. 958), of a perfecting nature. **Page S7596**

Reid Amendment No. 960 (to language proposed to be stricken by Amendment No. 957), to change the enactment date. **Page S7596**

Reid Amendment No. 961 (to Amendment No. 960), of a perfecting nature. **Page S7596**

Reid Motion to recommit the bill to the Committee on Appropriations, with instructions, Reid Amendment No. 962, to change the enactment date. **Page S7596**

Reid Amendment No. 963 (to (the instructions) Amendment No. 962), of a perfecting nature. **Page S7596**

Reid Amendment No. 964 (to Amendment No. 963), of a perfecting nature. **Page S7596**

Department of Defense Authorization Act—Agreement: A unanimous-consent agreement was reached providing that at approximately 11 a.m., on Thursday, November 17, 2011, Senate begin consideration of S. 1867, to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Page S7630**

Messages from the House: **Page S7611**

Measures Referred: **Page S7611**

Executive Communications: **Pages S7611–12**

Additional Cosponsors: **Pages S7613–14**

Statements on Introduced Bills/Resolutions: **Pages S7614–20**

Amendments Submitted: **Pages S7620–27**

Authorities for Committees to Meet: **Page S7627**

Privileges of the Floor: **Page S7627**

Adjournment: Senate convened at 10 a.m. and adjourned at 6:51 p.m., until 10 a.m. on Thursday, November 17, 2011. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7630.)

Committee Meetings

(Committees not listed did not meet)

SECURITIES AND EXCHANGE COMMISSION

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine a progress report on management and structural reforms at the Securities and Exchange Commission, after receiving testimony from Robert Khuzami, Director, Division of Enforcement, Meredith Cross, Director, Division of Corporation Finance, Robert Cook, Director, Division of Trading and Markets, Carlo di Florio, Director, Office of Compliance Inspections and Examinations, Eileen Rominger, Director, Division of Investment Management, and Craig Lewis, Chief Economist and Director, Division of Risk, Strategy, and Financial Innovation, all of the Securities and Exchange Commission.

IMPROVING REGULATORY PERFORMANCE

Committee on the Budget: Committee concluded a hearing to examine improving regulatory performance, focusing on lessons from the United Kingdom, after receiving testimony from Graham Turnock, and Johannes Wolff, both of the United Kingdom's Department for Business, Innovation and Skills, both of the United Kingdom; Michael Greenstone, Massachusetts Institute of Technology, Cambridge; and Jitinder Kohli, Center for American Progress Action Fund, Washington, D.C.

CONTINUED INNOVATION IN FORECASTING AND PREDICTION

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard concluded a hearing to examine the need for continued innovation in forecasting and prediction, focusing on how Federal efforts to provide information could help government decision making, after receiving testimony from Mary Glackin, Deputy Under Secretary for Operations, National Oceanic and Atmospheric Administration, and Todd J. Zinser, Inspector General, both of the Department of Commerce; David Trimble, Director, Natural Resources and Environment, Government Accountability Office; Rear Admiral Cari B. Thomas, Director, Response Policy, United States Coast Guard, Department of Homeland Security; Tom Iseman, Western Governors' Association, Denver, Colorado; Peter P. Neilley, The Weather Channel Companies, Andover, Massachusetts; and Robert S. Marshall, Earth Networks, Inc., Germantown, Maryland.

GOVERNMENT CONTRACTORS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine government contractors, focusing on agency programs that need greater attention, and improved governmentwide oversight, after receiving testimony from Daniel I. Gordon, Administrator for Federal Procurement Policy, Office of Management and Budget; William T. Woods, Director, Acquisition and Sourcing Management, Government Accountability Office; David M. Sims, Chair, Interagency Suspension and Debarment Committee; Allison C. Lerner, Inspector General, National Science Foundation; and Steven A. Shaw, Deputy General Counsel for Contractor Responsibility, Department of the Air Force, Department of Defense.

NOMINATIONS

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Kathryn

Keneally, of New York, to be an Assistant Attorney General, Department of Justice, who was introduced by Senator Schumer, and Brian C. Wimes, to be United States District Judge for the Eastern and Western Districts of Missouri, who was introduced by Senator McCaskill, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 18 public bills, H.R. 3433–3450; and 3 resolutions, H. Con. Res. 88; and H. Res. 468–469 were introduced. **Pages H7713–14**

Additional Cosponsors: **Pages H7714–15**

Reports Filed: Reports were filed today as follows:

H.R. 2405, to reauthorize certain provisions of the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act relating to public health preparedness and countermeasure development, and for other purposes, with an amendment (H. Rept. 112–286);

H.R. 2937, to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes, with an amendment (H. Rept. 112–287 Pt. 1);

H.R. 585, to amend the Small Business Act to provide for the establishment and approval of small business concern size standards by the Chief Counsel for Advocacy of the Small Business Administration (H. Rept. 112–288);

H.R. 527, to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with an amendment (H. Rept. 112–289 Pt. 1); and

H. Res. 467, providing for consideration of the conference report to accompany the bill (H.R. 2112) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2012, and for other purposes (H. Rept. 112–290); and

H.R. 527, to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with an amendment (H. Rept. 112–289 Pt. 2). **Pages H7712–13**

Speaker: Read a letter from the Speaker wherein he appointed Representative Marchant to act as Speaker pro tempore for today. **Page H7629**

Recess: The House recessed at 11:15 a.m. and reconvened at 12 noon. **Page H7637**

Recess: The House recessed at 12:43 p.m. and reconvened at 1:03 p.m. **Page H7643**

Suspensions: The House agreed to suspend the rules and concur in the following measure:

3% Withholding Repeal and Job Creation Act: Concurred in the Senate amendment to H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities and to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs (by a ⅔ yea-and-nay vote of 422 yeas with none voting "nay", Roll No. 853). **Pages H7643–61, H7690–91**

National Right-to-Carry Reciprocity Act of 2011: The House passed H.R. 822, to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State, by a recorded vote of 272 ayes to 154 noes, Roll No. 852. **Pages H7661–90**

Rejected the Cicilline motion to recommit the bill to the Committee on the Judiciary with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 161 ayes to 263 noes, Roll No. 851. **Pages H7687–89**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H7670**

Agreed to:

Reichert amendment (No. 10 printed in H. Rept. 112–283) that requires a GAO study on the ability of State and local law enforcement authorities to verify the validity of out-of-State concealed firearms permits. **Pages H7681–82**

Rejected:

Woodall amendment (No. 1 printed in H. Rept. 112–283) that sought to protect the rights of States that already have reciprocal agreements in place for the concealed carry of firearms to continue enforcing those preexisting agreements (by a recorded vote of 140 ayes to 280 noes, Roll No. 843);

Pages H7671–72, H7682–83

McCarthy (NY) amendment (No. 2 printed in H. Rept. 112–283) that sought to specify that the legislation can only go into effect in States that have passed legislation enacting the bill (by a recorded vote of 147 ayes to 274 noes, Roll No. 844);

Pages H7672–73, H7683

Hastings (FL) amendment (No. 3 printed in H. Rept. 112–283) that sought to exempt States from issuing a carry permit on the basis of State reciprocity which do not require individuals to apply for and complete a carry permit application at their local law enforcement station (by a recorded vote of 148 ayes to 277 noes, Roll No. 845);

Pages H7673–74, H7683–84

Jackson Lee (TX) amendment (No. 4 printed in H. Rept. 112–283) that sought to require a state to create a comprehensive database that would contain all permits and licenses issued by the State for carrying a concealed weapon and would make this comprehensive database available to law enforcement officers from all states 24 hours a day (by a recorded vote of 139 ayes to 284 noes, Roll No. 846);

Pages H7674–76, H7684–85

Johnson (GA) amendment (No. 6 printed in H. Rept. 112–283) that sought to require the possession or carrying of a concealed handgun in a state to be subject to that state's law regarding concealed carry in regards to firearm safety training that includes live-fire exercise (by a recorded vote of 144 ayes to 281 noes, Roll No. 847); **Pages H7676–77, H7685**

Cohen amendment (No. 7 printed in H. Rept. 112–283) that sought to exempt from the bill any State law requiring a person to be at least 21 years of age to possess or carry a concealed handgun (by a recorded vote of 150 ayes to 276 noes, Roll No. 848); **Pages H7677–78, H7685–86**

Jackson Lee (TX) amendment (No. 8 printed in H. Rept. 112–283) that sought to require a person provide at least 24 hours notice to a law enforcement officer of the State of the intention to possess or carry a concealed handgun in the State (by a recorded vote of 123 ayes to 299 noes, Roll No. 849); and **Pages H7678–80, H7686–87**

Cicilline amendment (No. 9 printed in H. Rept. 112–283) that sought to limit the bill from taking effect in a state until the State Attorney General, head of the State police, and the Secretary of State have jointly certified that the other state's carry laws are substantially similar to its own licensing or permitting requirements (by a recorded vote of 146 ayes to 277 noes, Roll No. 850). **Pages H7680–81, H7687**

H. Res. 463, the rule providing for consideration of the bill, was agreed to yesterday, November 15th.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on November 14th:

Private First Class Alejandro R. Ruiz Post Office Building Designation Act: H.R. 3004, to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the "Private First Class Alejandro R. Ruiz Post Office Building"; **Page H7691**

Tomball Veterans Post Office Designation Act: H.R. 2660, to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the "Tomball Veterans Post Office"; **Page H7691**

Trooper Joshua D. Miller Post Office Building Designation Act: H.R. 2415, to designate the facility of the United States Postal Service located at 11 Dock Street in Pittston, Pennsylvania, as the "Trooper Joshua D. Miller Post Office Building"; and **Page H7691**

Alto Lee Adams, Sr., United States Courthouse Designation Act: H.R. 1791, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse". **Page H7691**

Quorum Calls—Votes: One yea-and-nay vote and ten recorded votes developed during the proceedings of today and appear on pages H7682–83, H7683, H7683–84, H7684–85, H7685, H7685–86, H7686–87, H7687, H7689, H7689–90 and H7690–91. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:22 p.m.

Committee Meetings

MARINE CORPS ACQUISITION AND MODERNIZATION

Committee on Armed Services: Subcommittee on Tactical Air and Land Forces held a hearing on United States Marine Corps Acquisition and Modernization. Testimony was heard from William E. Taylor, Program Executive Officer, Land Systems, U.S. Marine Corps; Brigadier General Frank L. Kelley, USMC, Commander, Marine Corps Systems Command; and

Brigadier General Daniel J. O'Donohue, USMC, Director, Capabilities Development Directorate, Combat Development and Integration, U.S. Marine Corps.

EDUCATION RESEARCH

Committee on Education and the Workforce: Subcommittee on Early Childhood, Elementary, and Secondary Education held a hearing entitled ''Education Research: Identifying Effective Programs to Support Students and Teachers.'' Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Subcommittee on Communications and Technology held a markup of the following: H.R. 3309, the ''Federal Communications Commission Process Reform Act of 2011''; and H.R. 3310, the ''Federal Communications Commission Consolidated Reporting Act of 2011.'' Both bills were forwarded, as amended.

LEGISLATIVE MEASURES

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit; and the Subcommittee on Capital Markets and Government Sponsored Enterprises held a joint hearing on H.R. 1697, the ''Communities First Act.'' Testimony was heard from public witnesses.

INSURANCE OVERSIGHT

Committee on Financial Services: Subcommittee on Insurance, Housing and Community Opportunity held a hearing entitled ''Insurance Oversight and Legislative Proposals.'' Testimony was heard from public witnesses.

RIGHTING THE ENDURING WRONGS OF THE HOLOCAUST

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Righting the Enduring Wrongs of the Holocaust: Insurance Accountability and Rail Justice.'' Testimony was heard from Rep. Garamendi; Rep. Maloney; and public witnesses.

LEGISLATIVE MEASURES

Committee on the Judiciary: Full Committee held a hearing on H.R. 3261, the ''Stop Online Piracy Act.'' Testimony was heard from Maria Pallante, Register of Copyrights, Library of Congress; and public witnesses.

U.S. OIL AND NATURAL GAS DEVELOPMENT

Committee on Natural Resources: Full Committee held a hearing entitled ''The Future of U.S. Oil and Natural Gas Development on Federal Lands and Waters.'' Testimony was heard from Ken Salazar, Secretary, Department of the Interior.

SHOULD FANNIE AND FREDDIE EXECUTIVES BE RECEIVING MILLIONS IN BONUSES?

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''Pay for Performance: Should Fannie and Freddie Executives Be Receiving Millions in Bonuses?'' Testimony was heard from Edward J. DeMarco, Acting Director, Federal Housing Finance Agency; and public witnesses.

BATTLE AGAINST TAXPAYER WASTE

Committee on Oversight and Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled ''On the Frontlines in the Acquisition Workforce's Battle Against Taxpayer Waste.'' Testimony was heard from Dan Gordon, Administrator, Office of Federal Procurement Policy; John Hutton, Director, Acquisition and Sourcing Management, Government Accountability Office; Donna Jenkins, President, Federal Acquisition Institute; Katrina McFarland, President, Defense Acquisition University; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Rules: Full Committee held a markup of H.R. 10, the ''Regulations from the Executive in Need of Scrutiny (REINS) Act of 2011.'' The bill was ordered reported, as amended.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012 (CONSOLIDATED AND FURTHER CONTINUING APPROPRIATIONS ACT, 2012)

Committee on Rules: Held a hearing on the conference report to H.R. 2112, the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012.'' (Consolidated and Further Continuing Appropriations Act, 2012) The Committee granted, by voice vote, a rule waiving all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable. The rule provides that debate on the conference report is divided pursuant to clause 8(d) of rule XII.

Testimony was heard from Chairman Rogers of Kentucky; and Rep. Dicks.

HYDRAULIC FRACTURING OF SHALE BEDS

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing entitled ''Hydraulic Fracturing of Shale Beds: Ensuring Regulatory Approaches that Will Help Protect Jobs and Domestic Energy Production.'' Testimony was heard from Cynthia Dougherty, Director, Office of Ground Water and Drinking Water, United States Environmental Protection Agency; James Hanlon, Director, Office of Wastewater Management, Environmental Protection Agency; Michael Krancer, Secretary, Pennsylvania Department of Environmental Protection; and public witnesses.

Joint Meetings

U.S. MANUFACTURING

Joint Economic Committee: Committee concluded a hearing to examine manufacturing in the United States of America, focusing on paving the road to job creation, after receiving testimony from Andrew Herrmann, American Society of Civil Engineers, Chris Edwards, Cato Institute, and Robert Puentes, Brookings Institution, all of Washington, D.C.; and Veronique de Rugy, George Mason University Mercatus Center, Arlington, Virginia.

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 17, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: To hold hearings to examine the nominations of Michael A. Sheehan, of New Jersey, to be Assistant Secretary for Special Operations and Low Intensity Conflict, Mark William Lippert, of Ohio, to be Assistant Secretary for Asian and Pacific Security Affairs, and Brad Carson, of Oklahoma, to be General Counsel of the Department of the Army, all of the Department of Defense, and Kevin A. Ohlson, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces, 9:30 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: To hold hearings to examine the nominations of Maurice A. Jones, of Virginia, to be a Deputy Secretary, and Carol J. Galante, of Virginia, to be an Assistant Secretary, both of the Department of Housing and Urban Development, and Thomas Hoenig, to be a Member and Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: Subcommittee on Science and Space, to hold hearings to examine NASA's human space exploration, focusing on direction, strategy and progress, 10 a.m., SR–253.

Subcommittee on Competitiveness, Innovation, and Export Promotion, to hold hearings to examine tourism in America, focusing on moving our economy forward, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: To hold hearings to examine the Secretary of the Interior's Order No. 3315 to consolidate and establish the Office of Surface Mining Reclamation and Enforcement within the Bureau of Land Management, 9:30 a.m., SD–366.

Committee on Environment and Public Works: With the Subcommittee on Superfund, Toxics and Environmental Health, to hold joint hearings to examine the ''Safe Chemicals Act'', 10 a.m., SD–406.

Committee on Finance: To hold hearings to examine the nominations of Mary John Miller, of Maryland, to be an Under Secretary, and Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary, both of the Department of the Treasury, Kathleen Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court, and Henry J. Aaron, of the District of Columbia, to be a Member of the Social Security Advisory Board, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: To hold hearings to examine ''The Americans with Disabilities Act'' and accessible transportation, focusing on challenges and opportunities, 10 a.m., SD–430.

Committee on Indian Affairs: To hold an oversight hearing to examine the future of internet gaming, focusing on what's at stake for tribes, 2:15 p.m., SD–628.

Committee on the Judiciary: Business meeting to consider S. 1793, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, H.R. 2076, to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, S. 1794, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 347, to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, H.R. 2189, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, S. 1792, to clarify the authority of the United States Marshals Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children, S. 671, to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders, and the nominations of Jacqueline H. Nguyen, of California, to be United States Circuit Judge for the Ninth Circuit, Gregg Jeffrey Costa, to be United States District Judge for the Southern District of Texas, and David Campos Guaderrama, to be United States District Judge for the Western District of Texas, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, Panel on Defense Financial Management and Audibility Reform, hearing on Industry Perspectives on Achieving Audit Readiness, 8 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Oversight and Investigations, hearing entitled ''The Solyndra Failure: Views from DOE Secretary Chu.'' 10 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, markup of the following: H.R. 1588, the ''Consumer Rental Purchase Agreement Act''; and H.R. 1723, the ''Common Sense Economic Recovery Act of 2011.'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Full Committee, markup of the following: H.R. 2918, the ''Taiwan Policy Act of 2011;'' and H.R. 2992, the ''Taiwan Airpower Modernization Act of 2011.'' 10 a.m., 2172 Rayburn.

Subcommittee on Africa, Global Health, and Human Rights, hearing entitled ''The 2011 International Religious Freedom Report.'' 3 p.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade, Narcoterrorism and the Long Reach of U.S. Law Enforcement, Part II.'' 2 p.m., 2200 Rayburn.

Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies will hold a hearing entitled ''S&T on a Budget: Finding Smarter Approaches to Spur Innovation, Impose Discipline, Drive Job Creation and Strengthen Homeland Security.'' 10 a.m., 311 Cannon.

Subcommittee on Emergency Preparedness, Response, and Communications, hearing entitled ''Ensuring Coordination and Cooperation: A Review of the Emergency Communications Offices Within the Department of Homeland Security.'' 2 p.m., 311 Cannon.

Committee on the Judiciary, Full Committee, markup of the following: H.R. 1996, the ''Government Litigation Savings Act''; H.R. 1864, the ''Mobile Workforce State Income Tax Simplification Act of 2011''; H.R. 3256, the ''Deport Convicted Foreign Criminals Act of 2011''; and H.R. 2815, to revise the Federal charter for the Blue Star Mothers of America, Inc., to reflect a change in eligibility requirements for membership. 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Full Committee, markup of the following: H.R. 200, the ''Inland Empire Perchlorate Ground Water Plume Assessment Act of 2011''; H.R. 205, the ''HEARTH Act of 2011''; H.R. 1545, the ''Waco Mammoth National Monument Establishment Act of 2011''; H.R. 2027, to revise the boundaries of John H. Chafee Coastal Barrier Resources System Sachuest Point Unit RI–04P, Easton Beach Unit RI–05P, Almy Pond Unit RI–06, and Hazards Beach Unit RI–07 in Rhode Island; H.R. 2070, the ''World War II Memorial Prayer Act of 2011''; H.R. 2087, to remove restrictions from a parcel of land situated in the Atlantic District, Accomack County, Virginia; H.R. 2154, to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Gasparilla Island Unit FL–70P; H.R. 2236, the ''Wildlife Refuge System Conservation Semipostal Stamp Act of 2011''; H.R. 2336, the ''York River Wild and Scenic River Study Act of 2011''; H.R. 2362, the ''Indian Tribal Trade and Investment Demonstration Project Act of 2011''; H.R. 2606, the ''New York City Natural Gas Supply Enhancement Act''; H.R. 2719, the ''Rattlesnake Mountain Public Access Act of 2011''; H.R. 2834, the ''Recreational Fishing and Hunting Heritage and Opportunities Act''; H.R. 2938, the ''Gila Bend Indian Reservation Lands Replacement Clarification Act''; H.R. 3117, the ''Permanent Electronic Duck Stamp Act of 2011''; H.R. 3397, the ''Cabin Fee Act of 2011''; H.R. 3404, to establish in the Department of the Interior an Under Secretary for Energy, Lands, and Minerals and a Bureau of Ocean Energy, an Ocean Energy Safety Service, and an Office of Natural Resources Revenue, and for other purposes; and S. 535, the ''Fort Pulaski National Monument Lease Authorization Act''. 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, Full Committee, markup of the following: H.R. 373, the ''Unfunded Mandates Information and Transparency Act of 2011''; H.R. 3071, the ''Presidential Records Act Amendments of 2011''; H.R. 665, the ''Excess Federal Building and Property Disposal Act of 2011''; H.R. 3433, the ''Grant Reform and New Transparency (GRANT) Act of 2011''; and legislation on the ''District of Columbia Local Budget Autonomy Act of 2011''. 9:30 a.m., 2154 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 3094, the ''Workforce Democracy and Fairness Act.'' 3 p.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Energy and Environment, hearing entitled ''Fostering Quality Science at EPA: The Need for Common Sense Reform.'' 2 p.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Agriculture, Energy and Trade, hearing entitled ''Adrift in New Regulatory Burdens and Uncertainty: A Review of Proposed and Potential Regulations on Family Farmers.'' 10 a.m., 2360 Rayburn.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on the international tax reform discussion draft released on October 26, 2011 by the Committee on Ways and Means, 10 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 10 a.m., HVC–304. This is a closed hearing.

Joint Meetings

Joint Economic Committee: to hold hearings to examine if tax reform can boost business investment and job creation, 10 a.m., SH–216.

Next Meeting of the SENATE

10 a.m., Thursday, November 17

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond one hour), Senate will begin consideration of S. 1867, Department of Defense Authorization Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, November 17

House Chamber

Program for Thursday: Begin consideration of H.J. Res. 2—Proposing a balanced budget amendment to the Constitution of the United States. Consideration of the conference report to accompany H.R. 2112—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012.

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