



United States  
of America

# Congressional Record

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

Vol. 158

WASHINGTON, TUESDAY, FEBRUARY 7, 2012

No. 20

## House of Representatives

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

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
February 7, 2012.

I hereby appoint the Honorable TODD C. YOUNG to act as Speaker pro tempore on this day.

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

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

### CELEBRATING THE LIFE OF FORMER CONGRESSMAN JIM LLOYD

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

Mr. DREIER. Mr. Speaker, it was very sad to get the news last Friday of the passing of our former colleague, Congressman Jim Lloyd. Jim Lloyd and I began as political adversaries in the late 1970s and early 1980s, and we ended up as great friends and allies on a wide range of issues.

Jim was a dedicated patriot. He was a public servant and had a very distin-

guished military record as well. Politically, he began as the mayor of West Covina, California, and many have said that he indicated right then that he wanted to have an opportunity to serve in the United States House of Representatives. He also had served as a Navy fighter pilot.

Mr. Speaker, I had a conversation with his son, Brian, last night and his grandson, Seth, and Jim was able to spend his last moments on this Earth with his grandson, who was following in his footsteps. His grandson, Seth, is a graduate of the U.S. Naval Academy at Annapolis, and is now training at Pensacola, Florida. Jim had driven across the country and was visiting Seth, and had just been with him before he suffered a massive stroke and drove off the road, ending his life as a hero. His son, Brian, told me last night that there was a woman who was in the way of the car, and even though his foot had gone to the accelerator and he suffered a stroke, he was still a hero in that he was able to steer the car away from hitting this woman before it went into a ravine.

Last summer, his wife of 63 years, Jackie, his great ally, passed away. Jim told me during a lengthy conversation following her passing that it was as if half of him was gone.

So, Mr. Speaker, I have to say that Jim lived a very full 89 years. He was a very distinguished Member of this institution, serving on the Armed Services Committee and as a member of the Science and Technology Committee, where he chaired a subcommittee. He made a great mark on many very, very important questions that we faced.

I have to say, it was a privilege for me, again, having begun as an adversary of his, to have ended as a very close and dear friend and political ally. I have to say also that there are many people here in this Capitol who knew him and worked with him even though he left more than three decades ago. I

have to say to Mary Klappa, who now works for our colleague JOHN MICA, who was the one who informed me of this sad news, and the many others who worked with Jim Lloyd, who was so dedicated to constituent service and provided an example and model for me, that our thoughts and prayers are with all of you.

### STOP STUDENT LOAN INTEREST RATES FROM DOUBLING

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

Mr. COURTNEY. Mr. Speaker, 2011 marked an unfortunate milestone in our country's financial picture when, for the first time in American history, student loan debt actually exceeded credit card debt, which again by itself is just a huge statement in terms of the challenges that families, middle class families and working families, are facing today in terms of trying to deal with the cost of higher education.

The value of a higher education degree or post-high school degree, which is sometimes debated in the media, still I believe is indisputable, and the statistics certainly demonstrate that. At a time when our national unemployment rate is 8.3 percent, if you drill down deeper you'll learn that for those with less than a high school degree, the unemployment rate is 16.5 percent. Those with a high school degree, it's 10.7 percent. Those with some college is 8.5 percent, and those with a bachelor's degree or higher is 4.5 percent.

So the stakes could not be higher for young people all across our country that we must deal with the mounting cost of higher education and provide mechanisms for them and their families to actually finance it and pay for it.

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

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



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In 2007, the Democratic-controlled Congress passed the College Cost Reduction Act, which was a terrific measure that cut the interest rates for the Stafford Student Loan program, the federally subsidized student loan program which provided some stability and affordability for middle class families, from 6.8 percent down to 3.4 percent. In addition, we unfroze the Pell Grant program, which is the workhorse of paying for college education, all of it paid for by eliminating wasteful subsidies to banks. That measure has a sunset this July. The interest rate reduction of the College Cost Reduction Act will in fact expire on July 1 unless Congress acts.

President Obama in his State of the Union Address a few nights ago raised this issue before all of us in the House and Senate when he said: "When kids do graduate, the most daunting challenge can be the cost of college. At a time when Americans owe more in tuition debt than credit card debt, this Congress needs to stop the interest rates on student loans from doubling in July."

Mr. Speaker, shortly after his address, myself and Congressman PETERS from Michigan introduced H.R. 3826, which is a measure that would extend the 3.4 percent, the lower interest rates on the Stafford Student Loan program, and in just a few days we have accumulated 55 cosponsors to this measure.

Again, the math is crystal clear: If we do not act, if we do not maintain those interest rates at 3.4 percent, if Congress does nothing, the U.S. Public Interest Research Group has calculated that for those students who take out the maximum \$23,000 in subsidized student loans, their interest payments will increase by \$5,200 over a 10-year repayment period and \$11,300 over a 20-year repayment period.

Now, if you told middle class families that if Congress doesn't act on a measure like this, your out-of-pocket costs are going to go up \$5,200 for taxes, there would be a huge hue and cry about the fact that Congress must not let that happen. Well, that's exactly the same situation we face today with the Stafford Student Loan program. Again, we know from the passage of the College Cost Reduction Act that this is something that this body is capable of doing.

This past weekend I was with a family whose son is now in his junior year, and as an undergraduate has almost a perfect 4.0 grade average, very motivated to go into the health care field, and he has already accumulated \$100,000 in student loan debt. We as a Nation must address this problem.

The National College Board, which tracks graduation rates internationally, reminds us that back in the 1980s, the U.S. was number one in the world in terms of graduation rates. We have fallen to number 12 according to the National College Board, and the biggest reason that students are not finishing college is because of afford-

ability and cost. Again, the President laid out the challenge to the Congress in his State of the Union Address. We must not allow Stafford Student Loan interest rates to double on July 1.

□ 1010

We should pass H.R. 3826. We should get that to the President so that colleges and universities can help families plan their tuition payments for the upcoming year and not allow this country to go backwards in terms of making sure that we have the finest workforce in the world.

#### THE SENATE MUST PASS A BUDGET

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

Mr. NUGENT. Mr. Speaker, I rise today to call upon the Senate majority leader, Democrat HARRY REID. He set no budget this year. The American people, I guess, don't deserve a budget. When the Senate, on the 24th of January, surpassed the 1,000th day that they've yet to put a budget forward, HARRY REID said, Guess what, American public? You really don't need one.

Even though this organization, this government, is running at a 40 percent deficit, the Senate majority leader, HARRY REID, says, Don't worry about it. We don't need a plan, and we don't need a budget, even though small businesses have a budget, county and State officials have a budget, and you and I at home have a budget that we have to depend upon to guide us as we move forward throughout our year.

We just can't wing it any longer, Mr. REID. The American people demand more of us. The American people actually believe that the Senate should take action on bills that we, in the House, have passed. Now, American job creators, it's about what we are supposed to be doing here, not partisan politics.

Mr. REID, this body—this body—has had more bipartisan support on bills that we've sent over to the Senate only to see them die, to see no action at all, bills that could create jobs in America—not hypothetical jobs, but real jobs by people that actually create jobs, those in our small businesses that create 70 percent of our new jobs in America. Mr. REID, the American public demands more of us as an institution to reach across and do the right thing.

Mr. Speaker, all I can ask is that this body continue to put pressure upon the Senate, and particularly the Senate majority leader, Mr. REID, to do the right thing. It doesn't matter if you pass the bills that we send over to you, Mr. REID. It's about bringing them up on the Senate floor, debate them, and let the American people see where you stand on the issue. And at the end of the day, whether you vote for it or against it, at least the American people have seen you in action.

The other thing the Senate can do is they can always amend any measure that we send over there and send it back to us. It's not to say that we always have the best idea, but I believe that the Senate, our brothers and sisters in the Senate, could have some good ideas. Attach them back, amend our bill, and send it back to us for us to consider and even go to conference if necessary.

All we're asking is the United States Senate to take action on things that we, in the House, have passed, many in a very bipartisan way. If you remember back on January 24, on the 1,000th day, this body here—this body—voted 410-1 to vote on a resolution calling upon the Senate to pass a budget, that it's of national importance that we actually have a budget and that the Senate be a participant in the discussions, not just sitting on the sidelines expecting us to carry the water.

Mr. Speaker, we stand here today exploring our Members to do the right thing. Let's keep the pressure on the Senate to do the right thing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

#### HOUSING CRISIS

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

Ms. KAPTUR. Mr. Speaker, it's over time for Wall Street megabanks, their CEOs, speculators, and sharpies to come and scrub the floors of homeless shelters across this country that are crammed with people who have lost their homes. Let's make those Wall Street bankers sign up to work with Habitat for Humanity to restore housing in neighborhoods across our Nation. Wouldn't that be sweet justice? Once they've paid back the billions that they owe the American people, whose homes they've raided of equity, let's put them to work.

Wouldn't it be great to see the CEO of Goldman Sachs, I think his name is Lloyd Blankfein, out there with buckets and scrub brushes? Come to Toledo; come to Cleveland; come to America, the part you've hurt so deeply. Wouldn't it be great? Let him be joined by Josh Bolten, who was there when the Bush administration handed the toxic mortgage paper to the people of the United States.

Well, come on down, Angelo Mozilo, from Countrywide. I think a little hard work would help you a whole lot. How about Bank of America? How about the CEO there? How about JPMorgan Chase? How about Jamie Dimon? I wonder when was the last time he scrubbed a floor. How about Jim Johnson, who headed up Fannie Mae, or Hank Paulson? Oh, I'd love to see this.

As I speak, coming to light are important developments in the much anticipated settlement between the individual State governments and the big Wall Street banks over the widespread use of fraudulent schemes and missing paperwork that fueled the foreclosure crisis. As the press has reported, we are seeing the possible imposition of \$25 billion in penalties against Wells Fargo, Bank of America, JPMorgan Chase, Ally Financial and Citigroup. Given the extent of the damage they caused, it's a small start. Just in Ohio, the financing gap was \$20 billion. That's what it would take to stabilize the housing market in just our State.

Most importantly, The New York Times is reporting that the deals will "preserve the right to investigate past misdeeds by the bank." Not one, not even the titans of Wall Street, should be able to buy legal immunity for their criminal acts as millions of families lose their homes.

It is important that we do not forget how systemic mortgage fraud has become. In an interview given by a former executive vice president of Countrywide Financial, a giant player in the U.S. mortgage business, this executive who was in charge of fraud investigations at the company related how "Countrywide loan officers were forging and manipulating borrowers' income and asset statements to help them get loans they weren't qualified for and couldn't afford." She went on to say that, whenever we looked through all of the recycle bins, they were full of signatures that they had cut off of one document and put on another and then photocopied or faxed. According to her, the fraud was systemic, taking place in Boston, Chicago, Miami, Detroit, Las Vegas, Phoenix and, I can tell you, Cleveland, Parma, Lorain, Elyria, Toledo, and Sandusky.

What we cannot forget is that these stories are not isolated. The FBI testified before Congress as early as 2004 that they were seeing an epidemic in white collar financial crimes, and they did not have anywhere near enough agents to go after the wrongdoers. Wasn't that convenient? While the number of agents has increased due to congressional pressure, the FBI needs to have more special agents and forensic experts to properly investigate the level of accounting corruption that is believed to exist.

This is the most basic, bipartisan concept I can think of, that criminals cannot be allowed to get away with their crimes because our law enforcement agencies lack the manpower to stop them.

I have a bill I hope my colleagues can support. It is H.R. 3050, the Financial Crisis Criminal Investigation Act, that would authorize an additional 1,000 FBI agents to take on the kinds of fraud that have destroyed the economic futures of countless American families and so gravely harmed our Republic. A good first step was the inclusion of more than 200 additional agents in the

last appropriations cycle. This administration should use it to go after these Wall Street perpetrators.

The President announced during his State of the Union address a new working group to look into mortgage fraud. It will coordinate efforts between the FBI, the Justice Department, and various States to go after those on Wall Street who have perpetuated fraud in the markets, using mortgage-backed securities, collateralized debt obligations, and lots of other sophisticated financial tricks.

Given the seriousness of the fraud, the number of American families that have lost their homes and savings, and the drag that that foreclosure crisis continues to have on the economy means we need more vigilance and let's confront Wall Street, and put the perpetrators in jail. And let's have them scrub floors in this new year.

[From the New York Times, Feb. 5, 2012]

#### DEAL IS CLOSER FOR A U.S. PLAN ON MORTGAGE RELIEF

(By Shaila DeWan and Nelson D. Schwartz)

With a deadline looming on Monday for state officials to sign onto a landmark multibillion-dollar settlement to address foreclosure abuses, the Obama administration is close to winning support from a crucial state that would significantly expand the breadth of the deal.

The biggest remaining holdout, California, has returned to the negotiating table after a four-month absence, a change of heart that could increase the pot for mortgage relief nationwide to \$25 billion from \$19 billion.

Another important potential backer, Attorney General Eric T. Schneiderman of New York, has also signaled that he sees progress on provisions that prevented him from supporting it in the past.

The potential support from California and New York comes in exchange for tightening provisions of the settlement to preserve the right to investigate past misdeeds by banks, and stepping up oversight to ensure that the financial institutions live up to the deal and distribute the money to the hardest-hit homeowners.

The settlement would require banks to provide billions of dollars in aid to homeowners who have lost their homes to foreclosure or who are still at risk, after years of failed attempts by the White House and other government officials to alter the behavior of the biggest banks.

The banks—led by the five biggest mortgage servicers, Bank of America, JPMorgan Chase, Wells Fargo, Citigroup and Ally Financial—want to settle an investigation into abuses set off in 2010 by evidence that they foreclosed on borrowers with only a cursory examination of the relevant documents, a practice known as robo-signing. Four million families have lost their homes to foreclosure since the beginning of 2007.

As recently as two weeks ago, with federal officials hoping to complete a deal that President Obama could cite in his State of the Union address, California's attorney general, Kamala Harris, made it clear she was not on board, terming the plan inadequate. But in the last few days, differences have narrowed in negotiations that one participant described as round the clock, with California officials in direct communication with bank representatives for the first time in months.

"For the past 13 months we have been working for a resolution that brings real relief to the hardest-hit homeowners, is trans-

parent about who benefits, and will ensure accountability," Ms. Harris said in a statement. "We are closer now than we've been before but we're not there yet."

The settlement has been hamstrung by one delay after another over the last year. Winning California's support now would represent a major win for the White House in this election year.

"I am encouraged by the conversations we've had with many states in the last few days," said Shaun Donovan, the secretary of housing and urban development. "This will be one of the most significant steps in the recovery of homeowners, neighborhoods and the broader housing market from the worst collapse since the Depression."

"My fundamental point is that it's a first step," he added, citing measures like Mr. Obama's proposal last week to lower interest rates for homeowners who are still current on their mortgages.

Officials involved in the negotiations cautioned that broader state support could still be days away. And although the timing of any announcement is subject to last-minute maneuvering, as it stands now the deal would set aside up to \$17 billion specifically to pay for principal reductions and other relief for up to one million borrowers who are behind on their payments but owe more than their houses are currently worth. The deal would also provide checks for about \$2,000 to roughly 750,000 who lost homes to foreclosure.

Those figures are contingent upon the number who respond to the offer, which is likely to go to people who lost their homes between Jan. 1, 2008, and Dec. 31, 2011. In addition, said Patrick Madigan, the Iowa assistant attorney general, homeowners who participate in the settlement will still have the right to sue the banks for improper behavior in the foreclosure process.

California has been focused on measures that would benefit individual homeowners, while New York has been most interested in preserving its ability to investigate the root causes of the financial collapse.

Another critical issue for California is narrowing the amnesty given to banks because under the state's False Claims Act, state officials and huge pension funds like Calpers would be able to collect sizable monetary damages from the banks if they could prove mortgages were improperly packaged into securities that later soured. What is more, California's participation would result in having more money available for many other states, including an estimated \$500 million in additional money for Florida.

But the agreement's terms do not guarantee minimum allocations of mortgage relief by state.

Mr. Donovan added that there had been numerous discussions with individual states that had specific concerns.

California officials and other veterans of the foreclosure crisis are haunted by the failure of past attempts to alter the behavior of the big banks, including a 2008 deal with Countrywide Financial, the subprime giant now owned by Bank of America, and a more recent agreement last April between federal regulators and the biggest mortgage servicers.

The backers of the latest deal insist their plan has more teeth, with a powerful outside monitor to oversee enforcement and heavy monetary penalties if banks fail to live up to commitments. While the past agreement with Countrywide gave banks credit even if their offers to modify the interest rate of the mortgage or write down principal were not accepted by borrowers, this deal counts only what banks actually do for homeowners.

If banks fall short of the multibillion-dollar benchmarks set out for principal reduction and other benefits for homeowners, they

will have to pay the difference plus a penalty of up to 40 percent directly to the federal government, according to Mr. Madigan.

The depressed housing market continues to pose a drag on the halting economic recovery. RealtyTrac, which analyzes housing data, predicts two million more foreclosures over the next two years. Some 11 million families owe more on their houses than they are worth.

The settlement, if all states participate, will also include \$3 billion to lower the rates of mortgage holders who are current. Banks will get more credit for reducing principal owed and helping families keep their homes, and less for short sales or taking losses on loans that were likely to go bad, like those that were severely delinquent.

□ 1020

#### STREETCAR SUMMIT

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

Mr. BLUMENAUER. Mr. Speaker, this week, people from dozens of cities around America are gathering for the annual Streetcar Summit.

For the last 25 years, I've been working to reintroduce the modern streetcar to American communities. We started with a project in Portland, Oregon, over 20 years ago. It was a great pleasure for me to see this open in 2001 and watch how this streetcar investment anchored revitalization in the downtown, led to over \$3 billion of private and public investment along the right-of-way, encouraged over 22 million people to ride the streetcar, and developed into a signature project for our community.

More recently, when the new administration was sworn into office, I worked with the White House to implement legislation that I had in the last reauthorization that we called "Small Starts," which somehow had stalled. Within 4 months, the new administration was able to help us figure out how to move it forward. In October of 2009, we were able to sign an agreement with the Obama administration and start the project.

I'm pleased to report that this project—which has provided over 1,800 jobs, that is extending a 3½-mile line—will be open. In fact, we've invited President Obama to ride on the first official trip. He can ride this year on a project that started in the first year of his administration, now a completed project. As an added bonus, he would be able to ride the first American-built streetcar in 58 years.

While it's manufactured in Portland, Oregon—I say with some modest pride—it makes a difference for people around the country because it's going to be provided to other communities like Tucson, Arizona, in the project I worked on with our former colleague, Gabby Giffords. And subcontracting is occurring throughout the upper Midwest, where smaller manufacturers are helping construct this product made in America.

As a result of the administration's investment of \$419 million since October of 2009, we're watching projects take place in 10 cities across America—in Detroit, Cincinnati, St. Louis, Salt Lake—that are moving forward with this vision. Indeed, the people in the conference that will be here this week represent operating systems that are now in Seattle, San Francisco, Galveston, Little Rock, Memphis, New Orleans, Lowell, Massachusetts, Kenosha, Wisconsin. There are communities all across America that have seized this vision and are moving forward. They are coming together to deal with how communities, large and small, can seize on this proven technology that was, after all, the cornerstone of urban development long about 1900. This was the technology that was driving American community development. Well, it still can drive community development, provide tens of thousands of jobs, be able to help focus the revitalization of, what in some areas, are troubled neighborhoods. It's an opportunity to bring people together on the streetscape, to be able to give a different environment for shopping, recreating, and, frankly, preventing pollution, congestion—in many cases a trip not taken.

I strongly urge my colleagues, when the opportunity arises this week, to meet some of the people in the vanguard of America's new streetcar renaissance. A simple, commonsense, proven technology that's cost-effective, that provides an anchor for development, giving people an opportunity to give another choice to the residents—empowering them, making their neighborhoods more livable, their families safer, healthier, and more economically secured.

This is what this Congress should be working on, coming together to take projects like this, a constructive Federal partnership, stretching dollars and making a success that we can all be proud of.

#### RECESS

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

Accordingly (at 10 o'clock and 24 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at noon.

#### PRAYER

Rabbi Jeffrey Astrachan, Temple Beth Israel, York, Pennsylvania, offered the following prayer:

Almighty source of strength, peace and compassion, I stand humbly before

You to ask Your blessing upon those who serve our great Nation, to all who dedicate themselves to its prosperity and security.

Grant to each Member of this House the wisdom and vision to look steadfastly toward our future, to labor earnestly for the welfare of all, and to consider wholeheartedly the passion and sacrifice of those who came before us, who helped to preserve and foster the noblest ideals for which our Nation stands.

Today, especially, we consider the valor of those four Army chaplains whose selfless acts of heroism 69 years ago not only saved the lives of others, but inspire us to serve in our own day to continue our partnership in Your ever-unfolding acts of creation on Earth.

May the memories of the four chaplains and the ideals for which they lived ever remain a blessing.

Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

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

Mr. TURNER of New York 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.

#### WELCOMING RABBI JEFFREY ASTRACHAN

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 1 minute.

There was no objection.

IN MEMORY OF THE "FOUR CHAPLAINS"

Mr. PLATTS. Mr. Speaker, I am honored to host our guest chaplain, Rabbi Jeffrey Astrachan, to give today's opening prayer. Rabbi Astrachan is here today to help honor the sacrifice of the four chaplains who gave their lives during the sinking of the troop ship *Dorchester* during World War II. This is especially significant because one of the four chaplains, Lieutenant Alexander D. Goode, was once a rabbi with the same congregation in York, Pennsylvania, my hometown that Rabbi Astrachan now serves.

Along with the rabbi, I am pleased to take this opportunity to recognize the courageous sacrifice made 69 years ago by the four chaplains. The *Dorchester* was torpedoed off the coast of Greenland. Only 230 of the over-900 men on

board survived. The survivors recounted the story of the heroic actions of the four chaplains of different faiths: Lieutenant Goode; Lieutenant John Washington, a Catholic priest; and Lieutenants George Fox and Clark Poling, two protestant ministers.

These four servants of God spent their last 18 minutes in this life helping their fellow passengers to safety. When there were no more life jackets to hand out, the chaplains removed their own and gave them to shipmates. They were last seen on the hull of the ship, arm-in-arm in prayer as the ship sank into the icy waters.

Chaplain Hill at Arlington National Cemetery is home to several memorials to chaplains. Last year, the United States House of Representatives adopted legislation to include a memorial to the 14 Jewish chaplains who gave their lives in World War II and the Korean and Vietnam wars. Today, we honor not just the four chaplains of the *Dorchester*, but the sacrifices and selflessness made by military chaplains of all faiths.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, February 7, 2012.

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 7, 2012 at 10:40 a.m.:

That the Senate passed with an amendment H.R. 347.

That the Senate passed S. 1794.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
Clerk.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

#### NLRB APPOINTMENTS ARE UNCONSTITUTIONAL

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

Mr. WILSON of South Carolina. Mr. Speaker, on January 4, the President abused executive authority and appointed three new members to the National Labor Relations Board claiming a recess appointment, but the Senate was not in recess. By making this decision, the President ignored the Sen-

ate's confirmation and vetting practice which is outlined in article I, section 5 of the United States Constitution. Earlier today, the House Education and Workforce Committee, ably led by Chairman JOHN KLINE, held a hearing on this unconstitutional conduct.

The President has used the National Labor Relations Board as a big labor bully to advance his political agenda and threaten the jobs of America's small businesses. Due to the legal uncertainty of the President's appointments, each decision reached by the board could allow for legal challenges, costing job creators and taxpayers more money. House Republicans will work to protect hardworking taxpayers from the administration's failed policies which are destroying jobs.

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

#### THE CLOCK IS TICKING ON THE PAYROLL TAX CUT AND EXTENSION OF UNEMPLOYMENT BENEFITS

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

Ms. BASS of California. Mr. Speaker, the clock is ticking on extending the payroll tax cut and unemployment benefits for millions of Americans. In just three short weeks, people barely surviving on unemployment benefits will be out on the streets. In three short weeks, 160 million people who get paychecks would have to pay the government nearly \$1,000 more.

Unfortunately, House Republican leadership insists on unrelated ideological legislation freezing the pay of middle class public servants for a third time in 3 years, slashing unemployment benefits by 40 weeks, and drug testing Americans who have lost their jobs through no fault of their own.

I don't think my Republican colleagues understand the plight of Americans who have lost their jobs through no fault of their own. So I'm asking my constituents and people from around the country to go to my Web site, karenbass.house.gov, and send in stories about their efforts to look for work. I will share these stories with my Republican colleagues to help them understand in hopes they will do the right thing.

#### PAYING OUR RESPECTS TO CHAPLAINS FOX, POLING, WASHINGTON, AND RABBI GOODE

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

Mr. MILLER of Florida. Mr. Speaker, this year's tribute to our lost four chaplains, last seen on the decks of the USAT *Dorchester* offering comfort and their only chance for survival to others, is particularly poignant. For it was

this past year that these men were reunited at this country's most hallowed grounds, Arlington National Cemetery.

With the recognition long overdue of Rabbi Alexander D. Goode, and all the Jewish war chaplains who have served this Nation in faith, the four chaplains stand watch once again over their flock from Chaplains Hill. Providence most definitely brought them together after history attempted to break their bond.

And so 69 years later, we reinforce the bonds of faith that no man can break and pay our respects to Chaplains Fox, Poling, Washington, and Rabbi Goode and honor their sacrifice to our great Nation.

□ 1210

#### THIRD ANNIVERSARY OF CRASH OF FLIGHT 3407

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

Ms. HOCHUL. Three years ago this week, an unspeakable tragedy occurred when a plane full of people, those who were dearly loved by their families, crashed through a home in Clarence Center, in my district. The cause was pilot fatigue and inexperience, and the cruel irony that it occurred over Valentine's Day weekend was lost on no one.

Yet, out of those ashes arose an indomitable spirit among these families that united them in their grief and brought their quest right here to the Halls in Washington. They wanted to ensure that no other family had to endure having their hearts ripped out the way they all had. They never took "no" for an answer. They never gave up, and they inspired Congress to work in a bipartisan way to pass historic flight safety reform rules.

That's why I am joined by my colleagues from western New York to introduce a resolution to honor them, the victims of the crash, to thank the surviving families of Flight 3407, and to call on the administration to finish the work they started to implement these necessary FAA rules.

Until the will of Congress and of the families we serve is translated into new rules, we will not give up the fight, because the families are counting on us, and they've never given up the fight.

#### THE CLOSING OF THE SOUTH TEMPLE POST OFFICE

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

Mr. CARTER. Mr. Speaker, over the past month, I've heard from many of my constituents about the closing of the contract post office in my district, the South Temple Post Office.

My constituents enjoy going to the South Temple Post Office because it is fast, efficient and the service is outstanding. However, the United States

Postal Service recently announced it would be closing this office, along with 19 other contract postal units.

Why?

Because these contract post offices are not hiring enough union workers or are, allegedly, taking union jobs away from the main branches. In other words, even though the United States Postal Service was \$8.5 billion in the hole in 2010 and even though the owner of the South Temple Post Office sends a check of \$1 million every year to the postal service under their contract, they have decided to close it because of union dispute.

This is just plain wrong. My constituents should have a choice of what post office they want to use and to use the one that serves them the best. If the privately owned contract office is performing better, they should be able to use that privately owned contract office.

Rest assured, I will fight this nonsense and try to get this post office kept open.

### THIRD ANNIVERSARY OF CRASH OF FLIGHT 3407

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

Mr. HIGGINS. Mr. Speaker, I rise today, along with my colleague Congresswoman KATHY HOCHUL, to recognize the upcoming third anniversary of the tragic crash of Continental Connection Flight 3407 in my western New York community.

This tragedy, unfortunately, was preventable. The National Transportation Safety Board found that the chief cause of the crash was pilot error. In August of 2010, President Obama signed into law aviation safety legislation, which, among other things, required the Federal Aviation Administration to update flight and duty time rules and to set minimum rest requirements for pilots.

As the families know too well, the passage of time never really heals the tragic memory of that day, but they persevered. They became a true citizen army for aviation safety and achieved the most comprehensive aviation reform in 50 years. In their efforts, they were guided by their faith and by the light of those they loved and lost.

We recognize their extraordinary efforts on behalf of the western New York community, of the flying public, and of a grateful Nation.

### CONGRATULATING THE WORLD CHAMPION NEW YORK GIANTS

(Mr. TURNER of New York asked and was given permission to address the House for 1 minute.)

Mr. TURNER of New York. Mr. Speaker and my fellow colleagues, it is a distinct pleasure to stand before you right now, not only as a Representative but as a fan. I would like to take a few moments and acknowledge the New

York Giants for defeating the New England Patriots on Sunday night, 21-17, in Super Bowl XLVI.

Some believed them to be underdogs, but our beloved G-Men didn't let people's lack of faith or doubt distract them from their end goal. Instead, they showed New York's resilience by fighting back to regain the lead in the fourth quarter, earning their second Super Bowl title in the last 5 years and their fourth Super Bowl title overall. The Giants have won eight world championships and rank as one of the most successful football franchises of all time.

As Giants' head coach Tom Coughlin said after the game: All things are possible for those who believe, and these guys believed, and they came together and trusted each other and believed in one another.

I think this is a terrific message for everyone to think about, especially those of us holding the distinct honor of being Members of the House of Representatives. There is still a great deal of work to be done on behalf of the American people. We must come together for a joint purpose. We must give our constituents a reason to believe we can work together on their behalf. Just as the members of the Giants team played hard for the people of New York, we must work hard for our constituents.

Again, I would like to congratulate the New York Giants, Head Coach Tom Coughlin, Super Bowl XLVI MVP Eli Manning, and all the great fans in New York.

### FOUR-YEAR ANNIVERSARY OF THE IMPERIAL SUGAR PLANT EXPLOSION

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

Mr. BARROW. Mr. Speaker, this day marks a sad anniversary for many of the folks I represent. Four years ago today, a combustible dust explosion destroyed the Imperial Sugar plant in Port Wentworth, Georgia, killing 14 people and injuring more than 40 others.

The sad truth is that this explosion didn't have to happen. Experts have known about the dangers of combustible dust for decades, and experts have developed industry standards that can prevent combustible dust explosions and fires. Unfortunately, these commonsense practices have not become the national standard despite preventable explosions and fires in Georgia and throughout America before and since.

Today, on the fourth anniversary of this tragedy, I ask my colleagues to support H.R. 522, the Worker Protection Against Combustible Dust Explosions and Fires Act of 2011, introduced by Mr. MILLER of California. This law would require the Secretary of Labor to promulgate standards for regulating combustible dust.

We shouldn't wait until another disaster strikes. We owe it to the dead and the wounded to take action today so that disasters like the Imperial Sugar Plant explosion will never happen again.

### OBAMACARE STRIKES AT THE CORE OF RELIGIOUS LIBERTY OF THE U.S. CONSTITUTION

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

Mr. ROONEY. Mr. Speaker, I rise today to speak about an issue that's deeply important to me, not as a Republican or Democrat, but as a Catholic American.

President Obama's Department of Health and Human Services announced it will require religious institutions like Catholic schools, Catholic hospitals, and Catholic charities to cover services that violate their core beliefs, like contraception, sterilization, and the morning-after pill. Catholic schools like Notre Dame will be forced to pay millions in penalties if they don't comply with the Federal Government mandate.

Now, this is about much more than just contraception. This is about Catholic schools and Catholic hospitals having to sacrifice conscience to comply with ObamaCare.

I believe that this is a clear violation of the Free Exercise Clause of the First Amendment of the Constitution. What's worse, I believe that this is a move by the Obama administration to establish secularism over religion. That would strike at the core of religious liberty of the Constitution and who we are as Americans. It's just one more reason why ObamaCare is bad law and needs to be repealed.

### AN ILLUSORY PLAN TO FUND TRANSIT AT CURRENT LEVELS

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

Mr. DEFAZIO. Ronald Reagan signed legislation that funded transit out of the highway trust fund. The new Republican majority is going to end transit's eligibility for highway trust fund dollars—but they've created an alternative transportation account that will be paid for out of the general fund. The only problem is that paying for transit at current levels under an alternative scenario would blow another \$40 billion hole in the budget.

But they have a plan.

They're going to require Federal employees to pay 6 percent of their salaries into a trust fund. That's about \$40 billion over 5 years. But they're not taxing Federal employees to pay for transit—don't worry about that—because that money can't be spent on transit. It will make it look like they're not spending more money. In reality, they will borrow \$40 billion to

pay for transit instead of paying for it with your fees out of the highway trust fund, but they're going to pretend that they didn't add more money to the deficit. At the same time, they're going to make Federal employees put 6 percent of their salaries into a trust fund for this illusory offset.

Good work, guys.

□ 1220

#### ENERGY SECURITY AND UNEMPLOYMENT

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

Mr. RIGELL. Mr. Speaker, we have within our grasp the opportunity to boldly address two of America's greatest challenges: energy security and unemployment. These two issues are inextricably linked. We can no longer tolerate a stagnant, slow-growth economy that's saddled with historic unemployment rates and a dangerous dependence on foreign oil. A key solution to these problems is energy, specifically, American energy.

The President said in this House that we must have an all-of-the-above strategy to energy independence. I agree. That includes harvesting the energy in every corner of America, including the 3.8 billion barrels of oil and gas off the coast of Virginia.

Last week, I introduced the Mid-Atlantic Energy and Jobs Act of 2012 to free up Virginia's abundant offshore energy. This legislation will help us achieve energy independence and could produce more than 18,000 local jobs, and it requires a significant amount of the royalties produced by the exploration to go toward improving our environment. The time to act is now. This Congress, this President, we're Americans. Let's do this.

#### AMERICAN JOBS

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

Ms. FUDGE. Mr. Speaker, today I rise to address the need for jobs in this country. On Wednesday, we will have reached 400 days since the Republicans took control of the House without a jobs bill, even though my colleagues and I have been calling for and demanding action.

The President has set forth a jobs plan that would allow Americans to get to work and for us to invest in this great country by focusing on improving our infrastructure, fixing our roads, schools, and bridges; by providing incentives to hire veterans by giving small businesses the support they need to grow and expand; and by cutting payroll taxes for 160 million workers, leaving more money in the pockets of consumers.

The members of the Delta Sigma Theta sorority are on the Hill this

week to be a voice for the jobless, to ask Congress to do what is in the best interest of Americans still trying to find jobs.

I urge all of my colleagues to join me in supporting job growth and investment in this Nation now.

#### SCHOOL CHOICE

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

Mr. HUIZENGA of Michigan. Mr. Speaker, today I rise in support of national school choice because we need to offer our children effective education opportunities. And in Michigan, despite spending just shy of \$10,000 annually to educate each child, we need to look at a couple of facts. One, only 31 percent of eighth-graders are actually considered proficient in math. The other element that is very disheartening to me is the fact that one child drops out of school in America every 26 seconds. We have an obligation to give parents the tools and resources to get their children out of bad educational environments and into better ones.

As a Member of Congress, I support school choice and allowing States to even opt out of the No Child Left Behind program and use educational resources in a way that will best meet their local needs, not the demands of Washington, D.C. It should be up to parents—not governments—to choose what's best for their children. Better traditional schools, public charter schools, private schools, virtual education, and homeschooling. I personally advocated for these opportunities when I sat on the board of a public charter school in Michigan. I served as the director of development at Zeeland Christian Schools, and most importantly, as a parent along with my wife, who homeschooled our children. Those of us in Congress must continue to encourage and champion school reform.

#### FOUR CHAPLAINS

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

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to honor the incredible story of the USAT *Dorchester's* four chaplains. The brave "immortal chaplains," a Jewish rabbi, a Catholic priest, and two Protestant ministers, selflessly provided comfort and guidance to their interfaith community aboard the transport ship as it sunk into icy waters on February 3, 1943. These leaders of different faiths gave up their lifejackets and stood strong, singing prayers and hymns, sharing words of healing and peace as the ship went down.

We are so fortunate to have Rabbi Astrachan here with us today to help honor their sacred memory. Rabbi Astrachan currently serves the same congregation in York, Pennsylvania,

where Rabbi Goode, one of the four chaplains, once served, continuing to honor his legacy.

The four chaplains, Reverend George Fox, Rabbi Alexander Goode, Father John Washington, and Reverend Clark Poling, serve as inspirations in their military service and their sacrifice for our country. Their quintessentially American tale of faith and courage now has an ending we can proudly commemorate, as all four of these men are honored and memorialized together on Chaplain's Hill at Arlington National Cemetery.

For nearly 200 years, our Nation's breathtaking military cemetery has been a place to honor all of America's fallen soldiers, providing the sacred and majestic setting fitting to our Nation's heroes. Thanks to the dedication of many of my colleagues, we now have monuments at Chaplain's Hill to each of these faith groups, where we can honor their sacrifice together. This is a testament to the courage and commitment of all who have served our Nation in this way, and I am so honored to share in this observance with chaplains, members of the military, veterans, religious community advocates, family, and friends.

#### IMMIGRATION

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

Mrs. BLACK. Mr. Speaker, I am here today to talk about my bill, H.R. 3842, a bill that would prohibit the Obama administration from filing lawsuits against Arizona, South Carolina, Alabama, and other States over their immigration enforcement laws. In the last 3 years, eight States have adopted immigration enforcement measures to address the illegal alien populations in their States. And in response, the Department of Justice and Eric Holder have pursued unprecedented lawsuits against these States.

Mr. Speaker, there are over 10 million unauthorized aliens in this country. States must be able to enforce the law if the Federal Government refuses to, and States should not have to live in fear of Federal retribution for trying to keep their citizens safe.

My bill, H.R. 3842, would deny the Obama administration and Eric Holder the funding for these meritless lawsuits. Until the Supreme Court decides the case against Arizona's S.B. 1070, Congress must use our power of the purse to stop these political lawsuits and allow States to uphold the law.

#### HALFTIME IN AMERICA

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

Ms. KAPTUR. Mr. Speaker, everybody is talking about Chrysler's Super Bowl commercial "Halftime in America." It featured Clint Eastwood, relating the recovery of the American automobile industry. That inspirational ad



has now gone viral as people share its positive message about our country and our workers.

Trust me, Mr. Speaker, in America's heartland, we know about hard times. Our people have been through a lot these last few years. But that commercial has it right: We took a punch, but we're still standing. President Obama made a bet on America's workers and companies, and it saved thousands of jobs. It saved our industry. "This country can't be knocked out with one punch," Clint Eastwood says. "We get right back up again. And when we do, the world is going to hear the roar of our engines."

You can already hear that roar in Toledo. We're building Jeeps day and night. You can hear it in Lorain too, and in Sandusky, Avon Lake, Brook Park, and Parma. We're going to win this competition. We're going to win it with teamwork. And we're going to win it because we want it more. Gentlemen and gentleladies, start your engines.

#### SMALL BUSINESS MENTOR-PROTEGE PROGRAM

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

Ms. CHU. I hear over and over from small businesses that the one thing they need in these tough times is customers. And who is the biggest customer? The Federal Government. Each year, the government spends \$500 billion on Federal contracts, but only 20 percent is going to small firms. Small businesses create two out of every three new jobs. So for us to grow the economy, we have to give small businesses a bigger slice of the Federal contracting pie.

Today I am introducing the Building Better Business Partnerships Act. This bill will help small firms break into Federal contracting by making it easier for them to join mentor-protege programs. These programs partner small businesses with companies already contracting with government. It gives small firms a foot in the door so they can navigate the Federal process, get experience on a contract, and eventually win a Federal job of their own. And that means more work and a new customer for small businesses everywhere.

□ 1230

#### SHARED FISCAL RESPONSIBILITY

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

Ms. BALDWIN. Mr. Speaker, I rise on behalf of the middle class workers in Wisconsin and across the country who have unfairly been paying a higher tax rate than millionaires and billionaires.

Middle class Americans deserve to know that our tax system has not been rigged against them. Powerful special

interests have manipulated our Tax Code to ensure that the wealthiest Americans don't have to pay their fair share. These loopholes and special provisions have made it so that billionaire Warren Buffett's secretary pays a higher tax rate than he does. In fact, approximately a quarter of all millionaires pay lower effective tax rates than middle class families.

Yesterday, I introduced Paying a Fair Share Act, H.R. 3903, which would make the "Buffett rule" law and ensure that middle class workers do not pay higher tax rates than those earning more than \$1 million a year. I invite my colleagues to join me in taking this commonsense first step to strengthen middle class families and rebuild our economy with a commitment to shared responsibility.

#### H.R. 25, THE FAIR TAX

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

Mr. WOODALL. Mr. Speaker, it's the Tax Code that brings me down to the House floor today. You know, if you care about special interest tax breaks in this town, there is only one bill in the U.S. House of Representatives that eliminates every single special interest tax break in the United States Code—every break, every exception, every exemption, every favor—and that's H.R. 25, the FAIR Tax, Mr. Speaker.

You know about the FAIR Tax. It's the most widely cosponsored, fundamental tax reform proposal in the entire U.S. House of Representatives. It's the most widely cosponsored, fundamental tax reform proposal in the entire United States Senate. And it is the only bill in Congress that solves every single special interest break. The only one. And it brings American manufacturing jobs back to America; puts the American manufacturing community on a level playing field with our foreign competitors, the only bill in Congress that gets that done.

Mr. Speaker, if you want to see more about it, you know you can see it at [www.thomas.gov](http://www.thomas.gov). You can see it at [www.fairtax.org](http://www.fairtax.org). It's H.R. 25, and it will save this American economy.

#### PAYROLL TAX HOLIDAY

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

Ms. NORTON. Mr. Speaker, the party line from Republican leaders is that Republicans agree on a payroll tax cut holiday; they just need to find a way to pay for it. But Republican Members speak a different language. Georgia Republican PAUL BROWN told the press: "The payroll tax holiday is just a gimmick to get Obama re-elected."

That would be news to the average American family who will see its taxes increase by \$1,000 on March 1 without a payroll tax agreement.

The press reports a serious Republican split with only a 50/50 chance that Republicans can get their Members to agree on a payroll tax deal. Line that 50/50 Republican split up against their near-unanimous opposition to having wealthy and corporate taxpayers contribute one dime to deficit reduction.

I'll leave it to the Republican leadership to reconcile these issues and their caucus. Meanwhile, the clock ticks louder each day. Republicans have 22 days to make up their minds on whether every worker who draws a paycheck deserves a tax cut.

#### WELCOMING DELTA SORORITY TO CAPITOL HILL

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

Mr. RANGEL. Mr. Speaker, today Members of Congress and others will see a thousand women of color visiting all of our offices. They call themselves the Delta Sorority. Here the leadership is provided by Judge FUDGE as they come close to celebrating their 100th anniversary.

They have a legislative agenda, a community agenda, a civic agenda; and one of the things that they like to point out is that today we recognize the terrible epidemic of AIDS and HIV problems we have with blood. We hope that we learn to educate more people about the danger of AIDS, that we provide better treatment, and even better than that, that we avoid it by having preventive measures so it doesn't happen at all.

Also on their agenda is making certain that the payroll deductions for working poor people are extended, as is unemployment compensation, which is not only fiscally, but morally, the right thing to do, and that we pay our debts, pay the doctors who serve the aged.

#### DEMOCRATS READY TO WORK FOR ALL AMERICANS

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

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today with my Democratic colleagues ready to work for all Americans. Unfortunately, this no-show Tea Party Republican Congress, which worked only 6 days during the entire month of January, is once again refusing to do its job. You see, at the end of February, taxes will increase for 160 million middle class Americans unless the Mitt Romney Tea Party Republicans drop their incessant demands to cut taxes for millionaires and billionaires. I ask my Tea Party colleagues to stop holding the payroll tax cut hostage. We must protect unemployment insurance and fix the Medicare payment schedule so that seniors can see the doctor of their choice.

It's time for this Tea Party brinksmanship to come to an end, for



Republicans to come to work, and for this Congress to go to work for the American people, not just the millionaires and billionaires.

#### MAKING HIGHER EDUCATION MORE AFFORDABLE

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

Mr. FALEOMAVAEGA. Mr. Speaker, just recently President Obama offered a plan to reduce the high costs of higher education by putting pressure on colleges and universities to reduce tuition rates. Under the plan, colleges would be rewarded based on their ability to offer relatively lower tuition fees, provide value, and serve low-income students.

This plan also coincides with key proposals by President Obama to make higher education more affordable, including a strategy President Obama announced last fall to consolidate Federal student loans and lower interest rates to help college graduates pay off their debt.

The American Dream is all about providing Americans the opportunity to succeed if they work hard. Every American family should be able to afford higher education. Every young person should have a chance. I commend President Obama for his commitment to American families and for making higher education an economic imperative.

#### NATIONAL BLACK HIV/AIDS AWARENESS DAY

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

Ms. LEE of California. Mr. Speaker, as the founding cochair of the Congressional HIV/AIDS Caucus, I rise to recognize National Black HIV/AIDS Awareness Day.

While I believe every day should be HIV awareness day, February 7 is an important day to recognize the effect this epidemic has on African Americans. Although only 14 percent of the U.S. population, African Americans account for almost half of those living and dying with HIV and AIDS in this country.

This year's theme is "I am My Brother's Keeper, I am My Sister's Keeper." People of faith know it is unacceptable that a woman of color in the United States is 15 times more likely to be living with HIV than a white woman her age. People of faith know that it's unacceptable that our young men, particularly gay and bisexual men, are most affected in this country. We cannot allow this crisis to continue.

We have the tools we need to end the AIDS epidemic. I urge everyone to get tested and take steps to protect themselves from the virus.

I call on members of the faith community, the private sector, health or-

ganizations, community leaders, teachers, parents, and the media to come together like never before.

The story of African Americans is one of resilience. I have great hope and expectation that we can once again persevere and we can stamp HIV and AIDS from the face of the Earth.

□ 1240

#### PROVIDING FOR CONSIDERATION OF H.R. 3581, BUDGET AND AC- COUNTING TRANSPARENCY ACT OF 2012

Mr. WOODALL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 539 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-13. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 1 hour.

#### GENERAL LEAVE

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

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

There was no objection.

Mr. WOODALL. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend from Massachusetts (Mr. MCGOVERN) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 539 provides a structured rule for the consideration of H.R. 3581, the Budget and Accounting Transparency Act. This is another bill in a series of 10 bills that the Budget Committee is sending forward, Mr. Speaker, to try to align the kind of accounting and budgeting that we do in Washington with the kind of accounting and budgeting that happens in the real world. We know transparency and sound accounting matter. We know that it matters on Wall Street; we know that it matters on Main Street; and it matters right here between Independence and Constitution Avenues, Mr. Speaker.

This bill has three primary provisions:

Number one, it provides transparency by bringing off-budget items on-budget. Now, for folks who don't follow this as closely as you and I do, Mr. Speaker, you know that when things are off-budget, their degree of scrutiny is changed. When things are off-budget, the impact they have on the American taxpayer is not always reflected. When we take those things from off-budget and bring them on-budget, we begin to show the American taxpayer the real cost of their risk and responsibility.

Number two, it reforms the accounting method that we use to calculate how at risk American taxpayers are under Federal credit programs, again, to bring us closer to private sector models. Mr. Speaker, as you well know, when a dollar goes out the door from this United States Capitol, when a dollar goes out the door from the United States Treasury, if it is a loan program, there is no guarantee that dollar comes back. Are most folks faithful payers? Yes, they are. But does every dollar come back? No, it doesn't. Do we need to look further than Fannie and Freddie to see that model? For the first time, we'll begin to account for that risk so that the American taxpayer understands when the their American government guarantees a loan what potential impact that has on their pocketbook at home.

Finally, Mr. Speaker, it requires all Federal agencies to post their budget justifications online in a timely manner. Now, you saw last week, Mr. Speaker, we were able to pass the Baseline Reform Act, which said no longer will we just assume every agency is

going to spend more. For the first time, we say that every agency needs to justify any increases that they receive in their budget. What this provision does is go one step further to say, when you are producing that budget, post your justifications online. Let the American people in. Mr. Speaker, if we have nothing to hide in this institution, then continuing to publish more and more information so that the American people can come into this discussion process is only going to lead us in the right direction.

Taken together, these three reforms bring the kind of attention that we need to a budget process that has been long broken. We cannot make America's future brighter and more secure if we continue to escalate the debt that we pass on to our children and their grandchildren. Clearly, this body has struggled in years past to contain that debt on both sides of the aisle. Clearly, folks occupying 1600 Pennsylvania Avenue have struggled to contain that debt on both sides of the aisle.

Mr. Speaker, the folks who see these issues with clarity live back home in my Seventh District of Georgia. They understand what it means to do budgeting around the family dinner table. I know my colleague from Massachusetts has those same folks living in his district facing those same challenges in his district; and if we can bring those people into the discussion, Mr. Speaker, if we can just be honest with our constituents back home about the magnitude of the problem, we will have their support and their involvement to turn this page for America's financial future.

Mr. Speaker, we can't stick our heads in the sand. Next week, we're expecting the budget from the White House to arrive here on Capitol Hill. We were expecting it this week, and they've delayed it to next week. I'm excited about it. I say to my colleague from Massachusetts, Mr. Speaker, I believe we're going to have a serious budget discussion with the White House for the first time in the 3 years of this administration. We're going to have a serious budget dropped on our doorstep, and then the Budget Committee is going to be involved in a serious discussion about how to bring the White House's priorities and the House's priorities in line with the American people's priorities. That process does not happen in a vacuum. That process happens in the sunshine, the bright daylight that is this U.S. House Chamber, Mr. Speaker. And with this reform combined with the other nine reforms coming out of the Budget Committee, we are taking steps forward to change forever the way this town does its budgeting business.

I'm very proud to sit on both the Rules Committee and the Budget Committee, to have had a hand both in the underlying legislation and this resolution today. I urge all of my colleagues to support this resolution, Mr. Speaker, so that we can bring up the underlying bill.

Yesterday, the Rules Committee filed House Report 112-388, a report to accompany House Resolution 539, a resolution providing for consideration of H.R. 3581, the Budget and Accounting Transparency Act of 2011. The report inadvertently excluded an explanation of the waiver of all points of order contained in the resolution against the amendments printed in the report. The Committee on Rules is not aware of any points of order against any of the amendments printed in the Rules Committee report. The waiver of all points of order against the amendments printed in the report is prophylactic in nature.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, let me begin by urging a "no" vote on this rule, which is not open, and a "no" vote on the underlying bill. The bill before us does nothing to improve the quality of life for any American. It doesn't create a single job. Not one job is created by this bill we're talking about today. This bill is going nowhere in the United States Senate. I don't believe this is a serious effort and, in short, we're wasting our time.

Mr. Speaker, I cannot stress this enough. Congress must keep our focus on the most important priority facing the American people, and that is jobs—jobs, jobs, jobs. Democrats may sound like a broken record, but that's because we know that the core issue of our time is the economy and jobs. We need to do more to make sure that America's businesses get back on track and that the American people are in a position to succeed when these businesses start to hire.

Now, we had some good news last week. The unemployment rate decreased for the fifth month in a row, falling to 8.3 percent.

□ 1250

At the same time, we've had 5 straight months of job creation, and we're in the 23rd consecutive month of private sector growth.

The economy looks like it's rebounding; and if this trend holds, that's a good thing. But while private sector employers added 257,000 jobs in January, there was a loss of 14,000 government jobs, including 11,000 local government jobs. Now, the reason for that, Mr. Speaker, quite frankly, is because the Federal Government is cutting away and State governments are cutting away and these so-called "government jobs" are being eliminated—the jobs that my friends on the other side of the aisle like to demonize. But what are these local government jobs? Mr. Speaker, these are cops, firefighters, teachers, librarians, and trash collectors. They're not faceless bureaucrats. They are people who make our lives

safer, better, and cleaner every day. And they're our neighbors and our friends and our family members.

So despite the relatively good news about the improving economy, we are clearly not where we need to be. Payroll employment is still 5.6 million jobs short of where it was at the beginning of the Great Recession of December of 2007. There are four jobless workers for every job opening and long-term unemployment is still at historic high levels.

It is clear that this rebound, as slow and painstaking as it is, is taking place in spite of House Republicans and in spite of their policies, not because of them. In fact, I believe actions taken and policies voted on by this House have slowed down this economic recovery, have slowed down this economy, and have prevented a faster and more robust recovery.

For example, congressional Republicans should be doing all they can to prevent a tax increase on middle class Americans. Congressional Republicans should be doing all they can to extend unemployment insurance for people who are unemployed through no fault of their own. Yet, Mr. Speaker, they have continued to drag their feet on this legislation and, in fact, continue to bicker among themselves about the need to extend these programs. This should be a no-brainer. This should be something that both sides should come together and be able to improve immediately. Yet it has become this theater, this drama that plays out; and nobody quite knows how it's going to end.

Mr. Speaker, we're one week into February, more than 1 month into the new year, more than 13 months into this new Republican-controlled Congress; and we have yet to see one meaningful jobs bill. No wonder Congress' approval rating is at historic lows. And instead of bringing legislation to the floor that would help the economy—like a clean extension of the payroll tax and unemployment insurance—the GOP would rather bring up misguided budget bills that simply attempt to rig the budget rules so they can score cheap political points.

House Republicans are simply trying to change the rules of the game to benefit their own point of view. This bill today, the so-called Budget and Accounting Transparency Act, is another sham bill in the Republican leadership's quest to change the rules of budgeting. This may seem like inside baseball to some, but it really is something quite extraordinary.

Simply, the Republicans, with this bill, are attempting to artificially inflate the cost of Federal credit programs. They do so by changing the way government credit programs are calculated. The Federal budget is supposed to count the amount of money that is spent and the revenue received. If there is more money coming in than going out, it's a surplus. The opposite is a deficit. What the Republican leadership is trying to do with this bill is

to recalculate the way these credit programs are scored, or counted, in the budget process, automatically making them more expensive. They do so by treating government credit programs in a similar way to private credit programs, even though they are treated differently by the markets.

Now, on top of changing the way these credit programs are scored, it's important to point out that this bill doesn't apply to all Federal programs. In other words, we would have one set of scoring rules for one set of Federal programs and another one just for the Federal credit programs. That doesn't make any sense to me.

If some of these recent budget bills are any indication, the House Republican leadership cares more about rigging the budget process just to dismantle the Federal safety net instead of actually working to reduce the deficit and at the same time spur job creation.

Mr. Speaker, we should be talking about jobs. We should be acting on the President's jobs plan. Our committee work should be focused on how do we get this economy running again. What should be on the floor today is not a bill that's going nowhere, but a bill that will help put people back to work. You know, if we put more people back to work and this economy begins to recover more, then we can grow out of this deficit.

I would just, again, urge the Republican leadership to stop bringing stuff to the floor that really, I believe, is a waste of our time. Bring things to the floor that are meaningful, that will make a difference in the lives of the American people, that will improve the quality of lives for people in this country.

I urge my colleagues to vote "no" on this rule and on the underlying bill and to put our focus back where it belongs, creating a stronger economy for the American people.

I reserve the balance of my time.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say to my colleague from Massachusetts, I always look for those areas of agreement because I know that we have some. I had a tough time finding those areas of agreement in that particular presentation, but when you got to your discussion about the theater that takes place on this House floor, I began to feel that personal bond, Mr. Speaker, because this feels like theater to me.

This is a rule that my friend is urging a "no" vote on that does one thing and one thing only: it brings to the floor a budget-changing provision that will shine more of a spotlight on what it is this Congress does when it comes to spending the American people's money. It does one thing and one thing only, and that is to give the American taxpayer more insight into what it is that my colleagues and I are doing with the money that we have taken from them.

Now, you might say, Mr. Speaker, well, what if I oppose that sunshine? What if I don't want daylight in the process? What if I have some things up here that I don't want folks to know I'm doing with their money? Fair enough. You can vote "no" on the underlying bill. But this rule, Mr. Speaker, this rule, which governs the debate on the House floor, has made in order every single Democratic amendment that was germane to the underlying legislation. Hear that. Hear that.

For folks who don't like the way the bill was crafted—of course we had a full hearing and markup in the Budget Committee—but for folks who don't like the way that bill came out, sometimes Congresses in the past would just shove a bill to the floor and say take it or leave it. But this bill, Mr. Speaker, is coming to the floor with a rule that said, tell me, colleagues, Republicans and Democrats, tell me how it is that we can make this bill better, and every single idea and suggestion that was germane to the underlying bill this rule makes in order.

So I ask you, Mr. Speaker, why vote "no" on this rule? If you don't like the underlying legislation, vote "no" on the underlying legislation. But this rule is a rule that this entire House can be proud of, and I'm proud to be able to carry it for the Rules Committee today.

I reserve the balance of my time.

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

The reason why people should vote "no" on this rule is because it's not an open rule, number one. The other reason why people should vote "no" on this rule is because it enables bad behavior, and the bad behavior is bringing up bills that are going nowhere that aren't very serious.

What we should be bringing to the floor right now is a clean extension of the payroll tax cut for middle class Americans and the extension of unemployment insurance. That's what we should be talking about. That's what should be on the floor right now. Instead, that measure, which would actually help people, is bogged down in conference because of ideological battles that my right-wing friends choose to wage. What we should be doing on this floor is putting the American people back to work and helping grow this economy through creating more jobs.

The bill before us does nothing to address the critical challenges facing America's families. It doesn't create a single job. It does nothing to address our serious budgetary challenges. This bill does not increase revenues or reduce spending. It does nothing to cut this deficit. We are sitting here talking about something that really, again, is going nowhere and that really doesn't matter in the scheme of things. We should be talking about jobs and how we get this economy moving again.

With that, Mr. Speaker, it is my privilege to yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank my friend for yielding the time.

The month the President took office, the U.S. economy was in the midst of a horrible collapse into oblivion for a lot of American families. The economy lost 700,000 jobs the month the President took office.

Last Friday, we had the news that the economy gained over a quarter of a million private sector jobs. This is welcome news, but we have a lot of work to do. This is not nearly sufficient to restore the American Dream to America's middle class and really fuel the kind of recovery that we need.

□ 1300

Now, the President came to this floor 152 days ago with specific ideas that both parties had agreed to over the years, to try to fuel the small businesses and entrepreneurs who are the fuel of the American economy. And he came to the floor with four ideas. The first was to cut taxes for small businesses that hire people, something people on both sides say they're for. We've never taken a vote on that idea, never since then.

Second, he came to the floor with an idea that, as teachers are being laid off from the classroom, and firefighters are being laid off from our first responders, and police officers are being taken off the street, why don't we help the cities and towns and States to keep some of those people on the job, not only so they can do their job, but so they can spend money in the stores and the restaurants and help small businesses. We have never taken a vote on that idea in those 152 days.

The third thing the President said is, let's put construction workers back to work building libraries of the future for our schools, repairing the crumbling roads and bridges of the country, making sure rural America's wired for the Internet. And those construction workers would then become the customers of the small stores and the restaurants, the appliance stores that make America go. We have never taken a vote on that idea in the last 152 days.

And finally, the President said, let's avoid a massive tax increase on the middle class people of this country that was scheduled to go into effect on January 1 of this year. Well, we sort of took a vote on that and were able to dredge out of that process a 2-month extension to avoid that massive tax increase. That extension ends 22 days from today. In the 2 months since then, there's not been one proposal on the floor to fix that problem.

What we have on the floor today is a very interesting bill, and I, frankly, commend the seriousness of it. The bill essentially says we should re-examine the method by which we value guarantees issued by the Federal Government when we account for them in our budgets. In other words, if you cosign a note

for someone, how should that show up on your balance sheet? That's essentially what this bill is about.

Now, this is a serious question. But I think the unemployed carpenter and the small business owner about to close her store and the police officer who got his pink slip last week thinks it's a pretty irrelevant question. And what they would rather have us do is vote "yes" or "no" on cutting taxes for small businesses that create jobs. We vote "yes."

"Yes" or "no" on putting police officers, firefighters, teachers back to work. We vote "yes."

"Yes" or "no" on helping the middle class by avoiding a massive tax increase on the American people. "Yes" or "no."

What we ought to be doing is bringing those questions to the floor, those questions to the floor, and having a debate. Instead, we're having a debate that's serious, but it really belongs at the American Society of CPAs, not the House of Representatives.

Let's get to work on the questions we're hearing at home, "yes" or "no." We say "yes" to fueling the middle class job creators, the small businesses of this country. The majority responds with silence.

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to say I agree with the gentleman. I agree with the gentleman that we must move jobs legislation out of this U.S. House of Representatives, on to the United States Senate and on to the White House.

This is a budget reform bill that, as the gentleman accurately stated, is a serious bill to address a serious problem. We didn't do this in January of last year, our very first term in office. Then we were working on repealing the President's health care bill, which remains a national priority.

We didn't do this last April when we were focused on presenting the first serious budget that dealt seriously with the underlying debt drivers, those entitlement programs, for the first time since 1965. We didn't deal with these issues while we were trying to continue to fund this government through a regular appropriations process, a process that hadn't taken place in over three years.

We have brought this bill to the floor today. What were we doing in the intervening time, Mr. Speaker? We were working on jobs. We were working on jobs, because I agree with the gentleman, that is something we must focus on.

Reducing regulatory burdens sits with the Senate. Energy Tax Prevention Act sits with the Senate. Consumer Financial Protection and Soundness Improvement Act sits with the Senate. Small Company Capital Formation Act sits with the Senate. I could go on and on and on consuming all of our time because the gentleman is right. Jobs are the priority. And this House and this leadership and this Con-

gress has made it a priority. But to what end, Mr. Speaker? To what end?

Will we stop focusing on this national priority? Absolutely not. Will we continue bringing bill after bill after bill to this floor that speaks to the needs of American families? You'd better believe it.

But will we abdicate our responsibility? Mr. Speaker, I've got cards aplenty in my pocket. One of them's the United States Constitution. Do you know where the responsibility to budget comes from, Mr. Speaker?

This wasn't a power grab, like so many things that go on in this House where we're removing power from the American people. This is a constitutionally delineated responsibility of this House. And I will not apologize for being down here focusing on those things that the Constitution requires us to focus on.

Now, that said, it's a fair question to say, but ROB, this is a small bill. This is a small bill. You know what? A lot of folks might take that as an insult, Mr. Speaker. I'm flattered by it because, as I have watched this process, we have seen too many giant resolutions, 1,000-, 2,000-, 3,000-, 4,000-page resolutions come to this floor.

Is that practice gone forever? I suspect we'll see another monstrosity come our way. I hope not, but I suspect we will. But in the interim, we can do better.

On the Budget Committee, Mr. Speaker, we actually had that discussion. This is 10 separate pieces of legislation. My colleague from New Jersey earlier was saying we want up-or-down votes on this floor. We want yes-or-no votes on this floor. I share his passion, and that's what we've done.

Instead of bringing a giant, omnibus budget reform bill that had lots of different things tied into it, Mr. Speaker, we've decided to bring one idea at a time, just one, one idea at a time, and allow this House, the people's House, to have that yes-or-no vote on whether or not this is an idea that has merit.

I appreciate my colleague's statement that this is a serious bill to confront a serious issue. And I will tell you, and it has developed more meaning to me, Mr. Speaker, since I have been a Member in this House for the last 12 months—it was Edmund Burke, he was a colleague of ours on the other side of the pond in the House of Commons, and a huge supporter of the American Revolution. And he said this: No one made a greater mistake than he who did nothing because he could only do a little. No one made a greater mistake than he who did nothing because he could only do a little.

I confess, Mr. Speaker, I was a little naive when I showed up here as a freshman last January. I thought I was going to be able to fix it. I thought my colleagues and I, you and I, my colleagues on the other side of the aisle and I, working together, I thought we were going to be able to fix it. It's taken a little longer than I thought.

Those big bites at the apple have not been as successful as I hoped.

Have we passed them here? Yes. Has the Senate moved on them and sent them to the President? No.

So we changed gears, bringing the little ideas to the floor, those little ideas that, as my colleague from New Jersey mentioned, are serious reform proposals.

I'll say it again, Mr. Speaker. I'm proud of these underlying proposals, and I'm proud of this rule that makes them in order. To be clear, it's a little unheard of in this House, and it's happened on both sides of the aisle. Republicans and Democrats alike have used this floor for their own devices.

This rule makes in order every single idea and suggestion that's germane to the underlying bill that was brought by either Republicans or Democrats. What's better than that? What's fairer than that? What is more American than that?

I understand, I know the Rules Committee has some tough decisions to make up there, and occasionally a closed rule comes to this floor. I'm generally grimacing as much as anybody when that happens. I believe in the openness of this process.

But to say, send me all of your ideas and suggestions, Mr. Speaker, send them all to the Rules Committee, and for the Rules Committee to say, anything that's germane, we've made in order today, Mr. Speaker—this is not a resolution to vote "no" on. This is the rule, not just a rule, this is the rule to come to the House floor and cast a proud "yes" vote for today.

With that, I reserve the balance of my time.

Mr. MCGOVERN. May I inquire of the gentleman how many more speakers he has?

Mr. WOODALL. We have no speakers remaining.

Mr. MCGOVERN. Then I will close for our side.

□ 1310

Mr. Speaker, I yield myself the balance of my time.

I will agree with my colleague on the Rules Committee that what is before us today is a small idea. The fact is that we have some big problems in this country and they require big and bold solutions, like extending the payroll tax cut for middle class Americans.

Mark Zandi, a Republican economist who worked for JOHN MCCAIN, said that if we don't extend the payroll tax cut it might cost as many as 500,000 jobs in this country.

It is a little bit puzzling to me—and I think to the American people who are observing this—that rather than bringing that bill to the floor or rather than bringing bills to the floor that will help enact the President's jobs program or any kind of bill that will help put people back to work, we are dealing with this, which my friend on the other side of the aisle said is a small thing, a small idea.

I think we can do better. I think the American people are expecting us to do much better. We should be having a debate on our manufacturing agenda. We need to get a tax structure in place that encourages manufacturing investment here in this country. We should be eliminating tax incentives and loopholes that encourage financial speculation—rather than investment—and outsourcing and offshoring their production and enact tax incentives for companies that produce domestically. That is the kind of bill we should be having on the floor right now, a commitment to investing in our infrastructure.

I was hoping that we would have a transportation bill that would be worth supporting; but by all accounts, the transportation bill has become such a monstrosity that people on both sides of the aisle are opposed to it.

The LA Times did an editorial saying that the House Republican leadership unveiled its version of the 5-year transportation bill. It isn't just that this bill is so thoroughly partisan that it has no chance of being approved by the Democrat controlled Senate; it is that it is less a serious policy document than a wish list for oil lobbyists, and its funding proposals are so radical that they have been decried even by such conservative watchdogs as the Reason Foundation, the Competitive Enterprise Institute, and the Taxpayers for Common Sense. I guess next week and the week after we're going to be bringing that bill to the floor.

Again, I don't think anybody here thinks that that is going to see the light of day, which means that it's not going to create jobs; it's not going to get people back to work.

Mr. Speaker, I would like to insert in the RECORD the LA Times editorial and two editorials from The New York Times.

[From the Los Angeles Times, Feb. 3, 2012]  
IN THE HOUSE, A TRANSPORTATION TRAIN  
WRECK

After Congress pushed the nation to the verge of catastrophe last year by delaying a deal to raise the debt ceiling until the eleventh hour, our capacity to be surprised by that body's irresponsible gamesmanship was somewhat diminished. And yet, we still can't help but be awe-struck by the mess the House of Representatives is preparing to make of the federal transportation bill, a key legislative priority for both parties.

On Tuesday, the House Republican leadership unveiled its version of the five-year bill. It isn't just that this bill is so thoroughly partisan that it has no chance of being approved by the Democratic-controlled Senate; it's that it is less a serious policy document than a wish list for oil lobbyists, and its funding proposals are so radical that they have been decried even by such conservative watchdogs as the Reason Foundation, the Competitive Enterprise Institute and Taxpayers for Common Sense.

What's so bad about it? The bill slashes funding for inexpensive but worthwhile programs to improve biking and walking safety, cuts funding for Amtrak by 25% and runs roughshod over federal regulations aimed at protecting communities and the environment from the negative effects of transpor-

tation projects. But what's far worse is the GOP scheme for helping to fund the bill's \$260 billion worth of infrastructure improvements over the next five years: opening up vast swaths of currently protected land to oil drilling.

Logically and politically, this makes no sense. On the logic front, it can't work. Three bills under consideration in the House that are intended to fund the transportation bill would open the Arctic National Wildlife Refuge to drilling, mandate oil shale leasing on federal lands and expand offshore drilling in sensitive areas. Yet even if drilling were allowed in these places, it would be many years before significant revenues started rolling in to the government, and it's difficult to predict how much money would be generated, making advance construction planning impossible. Moreover, oil shale development is an unproven technology that may never generate a dime. And politically, drilling in such places as the Alaskan refuge is rightly a nonstarter.

If it weren't already abundantly clear that this bill is intended simply to pander to the GOP base during an election year, Speaker John A. Boehner (R-Ohio) seasoned the red meat by promising to attach a rider mandating approval of the controversial Keystone XL pipeline, the biggest political football this side of the Super Bowl and an issue utterly unrelated to the purposes of the transportation bill.

If this is how congressional Republicans think they're going to win the November elections, they might want to check their approval ratings. Americans are thoroughly sick of a Congress that would rather play political games than solve our country's problems.

[From the New York Times, Feb. 6, 2012]  
THE PAYROLL TAX FIGHT

Republicans in Congress seem to have forgotten the embarrassment they suffered late last year for trying to block a payroll tax cut for millions of wage-earners. The two-month extension they reluctantly approved will run out in three weeks, yet, again, they are stalling a full-year's tax cut with extraneous issues and political ploys.

The need for the 2-percentage-point payroll tax break is as great now as it was in December. Without it, 160 million people who get paychecks would have to pay the government nearly \$1,000 more. The increase would severely reduce growth and derail the slow-moving economic recovery. Failure to agree on a tax cut would also cut off unemployment benefits for tens of thousands of workers in many of the hardest-hit states.

Politically, however, extending the tax break would represent a victory for President Obama, who has been championing it. That remains intolerable to many Republicans, particularly in the House. So they are insisting on several extraneous provisions that have nothing to do with a tax cut for the middle class, hoping either to achieve a few ideological victories for themselves or force negotiations with Democrats to a standstill.

At the behest of the manufacturing lobby, for example, Republican negotiators still want to delay an environmental regulation that would require industrial boilers and incinerators to release less mercury, lead and soot. What does that have to do with the payroll tax cut? Nothing, of course; Republicans are simply trying to get Democrats to pay a price for something they want.

They also want to require the jobless to be in G.E.D. programs and to undergo drug testing to get benefits, two punitive measures designed to stigmatize the desperate. And they still want a provision reviving the Key-

stone XL oil pipeline, hoping to fool voters into believing that Democrats who oppose it are somehow against jobs—even though the pipeline will create a very small number of long-term jobs. (The two sides have also failed to agree on how to prevent a cut in Medicare payments to doctors, which could drive many of them from the program.)

The biggest outstanding question, as it was last year, is how to pay for the tax cut for the next 10 months, which would cost about \$90 billion. The best idea was still the original Democratic proposal, rejected by Republicans, to impose a surcharge on taxpayers who make more than \$1 million a year. Democrats are now considering cutting corporate loopholes and using some savings from winding down the wars in Iraq and Afghanistan. There is no pressing need to offset the jobless benefits, which Republicans did not do when they held power in previous decades.

Republicans, on the other hand, are only interested in extending the tax benefits for working Americans if they can punish other groups. They want to extend the freeze on wages for federal workers to a third consecutive year, and appeal to their base by barring the use of welfare debit cards at casinos and strip clubs. This is hardly a national problem; a few states have allowed that, but most have cracked down on it.

Republicans seem no more serious about cutting the tax and stimulating the economy than they were in December. They may be furious that President Obama is campaigning against a do-nothing Congress, but they don't seem as if they're planning to actually do something.

[From the New York Times, Feb. 3, 2012]  
JOB GAINS REFLECT HOPE A RECOVERY IS  
BLOOMING

(By Motoko Rich)

The front wheels have lifted off the runway. Now, Americans are waiting to see if the economy can truly get aloft.

With the government reporting that the unemployment rate and the number of jobless fell in January to the lowest levels since early 2009, the recovery seems finally to be reaching American workers.

The Labor Department's latest snapshot of the job market, released on Friday, makes clear that employers have been hiring more in recent months, with 243,000 net new jobs in January. The unemployment rate now stands at 8.3 percent, down from 8.5 percent a month earlier and from 9.1 percent as recently as last August.

Economists were encouraged, though they expect some fits and starts along the road to recovery.

"I do think we're at the point where we're in a self-sustaining, positive reinforcing picture," said Stuart G. Hoffman, chief economist for the PNC Financial Services Group.

Stocks rallied on the brightening outlook, reaching multiyear highs.

The report revealed job gains not just for the last month but for previous months. December job growth was revised to 203,000, from the original 200,000. The job gains for November, originally 100,000 jobs, were revised upward to 157,000, creating a picture of a job market that has been gathering steam.

The private sector remained the engine of growth. While federal agencies and local governments continued to lay off workers, businesses added 257,000 net new jobs in January. The biggest gains were in manufacturing, professional and business services, and leisure and hospitality.

Despite the promising numbers, various indicators create an ambiguous picture of the overall economic recovery.

Layoffs appear to be slowing as fewer people are filing claims for unemployment benefits, and factory orders have picked up.

Small businesses, though, are still not hiring much. And while sales of existing homes have started to rise, home prices continue to fall. Incomes are not growing and consumer spending is still restrained, and could come under further pressure with gas prices edging higher in recent months and as consumers revert to building up savings.

Seasonal factors may have inflated January hiring numbers in some industries, like restaurants or construction.

Steve Blitz, senior economist for ITG Investment Research, said the report nevertheless revealed strong increases in manufacturing and related job categories, like transportation and warehousing and wholesale trade. "You've got to give credit when things are moving in the right direction," said Mr. Blitz, who has been cautious in heralding a recovery. "This is not a process that is going to be done in a month or two months or a year. It could take five or 10 years to get there."

Others were unconvinced that the recent pace of job growth would be sustained, pointing to moderate consumer spending and mild economic growth, 1.7 percent last year.

"The problem is that there is this bifurcation here in the numbers," said Bernard Baumohl, chief global economist at the Economic Outlook Group. "On the one hand we see rather impressive job growth, but on the other hand we're also seeing other economic indicators that are telling us that the economy is fundamentally weak."

Mr. Baumohl added, "We're going to have to really very carefully dig deep below the surface for these and a lot of other economic statistics to find a consistency of what is happening in the U.S. economy."

The unemployment rate appeared to be falling because people were genuinely securing jobs rather than merely leaving the work force. The Labor Department adjusted its data to account for new population estimates from the 2010 Census.

Accounting for those adjustments, the labor force had a net gain of 250,000 people in January from a month earlier. Although the pool of unemployed people has been shrinking, the number remains high—12.8 million—about equal to the population of Pennsylvania, and long-term unemployment is one of the most crushing legacies of this recent recession. For January, the Labor Department reported that 5.5 million people had been out of work for six months or more, about 43 percent of the jobless.

And according to an analysis of December's job numbers released this week by the Pew Fiscal Analysis Initiative, nearly a third of the jobless have been unemployed for a year or more.

Underemployment is another stubborn problem. The number of people working part time because they cannot find full-time work was 8.2 million in January. Including that group and the 1.1 million who stopped looking for work altogether, and the broader measure of unemployment was 15.1 percent.

"You have an interesting situation where you have some permanent part-time workers," said John Silvia, chief economist at Wells Fargo. "These people are in jobs and the jobs are not likely to become full time."

Sandy Pochapin, a 54-year-old former marketing manager, was laid off for the second time last May from a small business in Newton, Mass. Just before the start of the year she picked up a part-time job as a media consultant at an advertising agency. Her husband, a real estate lawyer, has also experienced severe cutbacks in his income.

The couple, who are now paying three times what they were paying for health care before Ms. Pochapin lost her job, have cut back on dinners out, and she said that replacing her eight-year-old Toyota High-

lander was "not in the cards." More painfully, the couple have dipped into their college-age son's educational fund to keep up with mortgage payments and other expenses.

Ms. Pochapin, a member of several networking groups, compiles job leads and recently sent out a list with more openings than she had ever seen. "I would say things are picking up," she said. "But where they're picking up is not where people who have been unemployed long term have skills." She noted many openings for jobs in mobile marketing and for digital media specialists.

Indeed, one of the perennial complaints of employers is that they cannot find qualified workers. Ancestry.com, a genealogy Web site in Provo, Utah, has openings for 150 engineers, data mining specialists and developers of mobile apps. "While we find a lot of people who are unemployed," said Eric Shoup, a senior vice president, "they are not the people who bring the skill sets we need for our business."

He said the company did virtually all its hiring away from other companies.

Economists are beginning to worry about the self-fulfilling nature of long-term unemployment. "It's almost starting to look like there are two job markets," said Cliff Waldman, the economist at the Manufacturers Alliance, a trade group. "Long-term unemployment is very sticky."

Mr. Speaker, we are beginning to see signs of hope in our economy. What we should be is the wind at the backs of businesses and workers in this country to try to enact policies that will help get this economy stronger, that will help create more jobs, that will help put people back to work. We're not doing that today.

I'm saying vote against the rule because it is not an open rule. I'm also saying vote against the rule to send a signal to the Republican leadership: Enough. Let's start bringing serious things to this floor, for example, the extension of the payroll tax cut for middle class families and the unemployment extension for those who are unemployed through no fault of their own. That's what we should be doing here, and we're not, so it's frustrating.

I guess we will waste the day doing this on a bill that goes nowhere, but I hope sooner rather than later that the Republican leadership will finally understand the American people want us to focus on jobs.

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

Mr. WOODALL. Mr. Speaker, I yield myself such time as I may consume to end where I began, and that is in agreement with my colleague. He says we should be the wind at the back of small business. Nothing could be truer. Nothing could be more true.

I don't believe that presiding over the largest regulatory expansion in the history of America is fulfilling the promise of being the wind at the back. That is wind in the face of American small businesses.

I don't believe that presiding over the largest tax increase in American history counts as being the wind at the back of U.S. small business. I think that's a wind in the face of those small businesses.

I do not believe that a new health care mandate is the wind at the back of

small businesses. I believe that's a wind in the face of small businesses.

But I take great comfort in knowing that while there may be all of those issues that divide us, there are principles that unite us. We should, in fact, be the wind at the back of small businesses.

Mr. Speaker, this rule that makes in order every single idea to improve the underlying legislation, this budget reform rule is honest with the American people for the first time in my lifetime.

You know, we hear so much talk about the payroll tax, Mr. Speaker. I know you're familiar with the way that accounting works. When folks pay—and for those of us in Congress, for everybody back home, it's 15.3 percent of your paycheck. 15.3 percent out of every paycheck-receiving American's pocket goes to the payroll tax, which goes to fund Social Security and Medicare.

Under the clever accounting rules that the Congress and the President have so eloquently crafted, when I pay my 15.3 percent out of my paycheck every month, when every American worker, Mr. Speaker, pays their 15.3 percent, with the expectation that Medicare will be there for them when they retire, with the expectation that Social Security will be there for them when they retire, when we all contribute, the clever accounting rules here on Capitol Hill call that a credit. That's a credit to the United States Government's Treasury. It does not account for it as a debit because now folks have promised to have Social Security and Medicare there for me when I turn 67. It counts as a credit, Mr. Speaker.

When we hire a new Federal employee, every new Federal employee we hire, Mr. Speaker, when they pay out of their monthly check to the Federal Employees Retirement System, that pension that's available to every Federal Government employee, that payment that they make into the pension program is counted as a credit. It's as if the more Federal employees we hire, the more money we'll make for America. No, because with every year of payment into that system, they get something very large out.

This is not news to any business owner in America, Mr. Speaker. This is not news to any business owner in America. They have to do this accounting every day. You want to talk about the crooks on Wall Street; if Wall Street accounted the way the Federal Government does its accounting, they would in fact be crooks and they would in fact all be in jail. It's unconscionable.

The wool that we pull—and we're all complicit in it, have been for years. The wool that we pull over the eyes of the American taxpayer—and kudos to this Budget Committee and, candidly, to this budget chairman. Chairman PAUL RYAN and the chairman of the Rules Committee, Chairman DAVID DREIER, have been working on fundamental budget reform for a decade. And



why it is that neither party has had the courage to bring this forward until now I do not know, but I stand here with pride to be associated with it today.

Mr. Speaker, if you want to create jobs, call your Senator. Call your Senator from your home State, Mr. Speaker, and share with them the importance of moving the pro jobs agenda that is sitting on their doorstep. I understand, Mr. Speaker, and I wouldn't hold it against you if you can't remember all of the jobs bills we've passed, there have been so many, but you can see them. It's on the Web, jobs.gop.gov. You can see it there, every single one, and you can see their status. Now, in fairness to the Senate, of the more than 30 bills we've passed, they've done a handful, and I mean literally a handful, but dozens more sit there waiting.

I want to say to you, Mr. Speaker, if the pitch from my colleague that we are abdicating our responsibility to focus on jobs took any root with you at all, let me say emphatically: Not true, not true. Our focus has always been on jobs. Our focus will continue to be on jobs. Our focus has always been the economy. Our focus will continue to be the economy.

□ 1320

But there is a trust deficit in this town. Everyone hears it when they head home. Everybody hears it from their constituencies: I don't believe you when you say it out of Washington, D.C.

I get it. I come up here. I read these budgets, Mr. Speaker. Some of them are hard to understand. We've got a whole team of staff here to help us sort through those numbers. I rely on that staff. I'll go and talk to them, and we'll go through it all line by line. It's hard to understand, and it doesn't need to be. It doesn't need to be D.C. doublespeak. It can be Georgia common sense that we bring to the budgeting process, and that is what the underlying resolution does today.

In 2001, when President Bush took office, the CBO projected a surplus of \$889 billion by 2011. That turned into a \$1.3 trillion deficit under two Presidents—from \$889 billion in surplus to \$1.3 trillion in deficits. I'll tell you that every single spending bill that left this body over those years—and I was not in this body, serving, but I saw it day in and day out—was done with the very best of intentions. Yet where does that leave our children and our grandchildren? It leaves them \$15 trillion in debt.

You talk about being the wind at the backs of small businesses, Mr. Speaker. I tried to get my mind around what \$15 trillion—on its way to \$16 trillion—in debt means. Do you know, if you're a small business owner in America and if you'd started a business on the day that Jesus Christ was born and if you'd been so bad at it that you'd lost \$1 million a day, every day, 7 days a week, Mr. Speaker, from the day Jesus was

born until today, you would have to continue to lose \$1 million a day every day, 7 days a week, for another 700 years to lose your first \$1 trillion?

As stewards of the American people's money, we've lost \$15 trillion, much of that just in the last 4 years. Anything that we can do—no matter how big or small—that incorporates the American people into this budget discussion, that gives them the best information that they can have, that provides to us the best information that we can have and that does away with the funny math that has almost become a punch line across this country is a step in the right direction. There is a trust deficit in this country, and the underlying legislation today takes a very strong step towards correcting it.

Mr. Speaker, I want to say again how much I appreciate Chairman PAUL RYAN and his work in leading the Budget Committee as well as how much I appreciate Chairman DAVID DREIER and his work in leading the Rules Committee. These two gentlemen have been champions of honesty in the budget process. What we have today, both in the rule and in the underlying bill, is the realization of their tireless efforts.

I encourage my colleagues to vote "yes" on this rule. Vote "yes" on this rule that allows every single idea to improve the underlying legislation, and that's germane, to come to this House floor, and then vote your consciences. Vote your consciences on those amendments, and vote your consciences on the underlying bill. I wager, if this body votes its conscience on this underlying bill, it's going to pass this body and head to the United States Senate.

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

The previous question was ordered.

THE SPEAKER pro tempore (Mr. LATHAM). The question is on the resolution.

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

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

The yeas and nays were ordered.

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

#### CIVILIAN PROPERTY REALIGNMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 537 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1734.

□ 1325

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the

further consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes, with Mr. WOMACK (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Monday, February 6, 2012, amendment No. 6 printed in House Report 112-385 offered by the gentleman from Missouri (Mr. CARNAHAN) had been disposed of.

AMENDMENT NO. 3 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) 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 191, noes 230, not voting 11, as follows:

[Roll No. 36]

AYES—191

Ackerman	Deuth	Langevin
Altmire	Dicks	Larsen (WA)
Andrews	Dingell	Larson (CT)
Baca	Doggett	Lee (CA)
Baldwin	Dold	Levin
Barrow	Doyle	Lewis (GA)
Bass (CA)	Edwards	Loebsock
Bass (NH)	Engel	Lofgren, Zoe
Becerra	Eshoo	Lowey
Berkley	Farr	Luján
Berman	Fattah	Lynch
Bishop (GA)	Filner	Maloney
Bishop (NY)	Fitzpatrick	Marchant
Blumenauer	Frank (MA)	Markey
Boren	Fudge	Matsui
Boswell	Garamendi	McCarthy (NY)
Brady (PA)	Gerlach	McCollum
Braley (IA)	Gonzalez	McDermott
Brown (FL)	Green, Al	McGovern
Butterfield	Green, Gene	McIntyre
Capps	Grijalva	McMorris
Capuano	Gutierrez	Rodgers
Cardoza	Hahn	Meeks
Carney	Hanabusa	Michaud
Carson (IN)	Hastings (FL)	Miller (NC)
Castor (FL)	Heinrich	Miller, George
Chaffetz	Higgins	Moore
Chandler	Himes	Moran
Chu	Hinchey	Murphy (CT)
Cicilline	Hinojosa	Nadler
Clarke (MI)	Hirono	Napolitano
Clarke (NY)	Hochul	Oliver
Clay	Holden	Owens
Cleaver	Holt	Pallone
Clyburn	Honda	Pascarell
Cohen	Hoyer	Pastor (AZ)
Connolly (VA)	Inslee	Pelosi
Conyers	Israel	Perlmutter
Cooper	Issa	Peters
Costa	Jackson (IL)	Pingree (ME)
Costello	Jackson Lee	Platts
Courtney	(TX)	Polis
Critz	Johnson (GA)	Price (NC)
Crowley	Johnson, E. B.	Quigley
Cuellar	Jones	Rahall
Cummings	Kaptur	Rangel
Davis (CA)	Keating	Reyes
Davis (IL)	Kildee	Richardson
DeFazio	Kind	Richmond
DeGette	Kissell	Ross (AR)
DeLauro	Kucinich	Rothman (NJ)



Roybal-Allard  
Ruppersberger  
Rush  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano

Sewell  
Sherman  
Shuler  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas

Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Wolf  
Woolsey  
Yarmuth

## NOES—230

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Benishke  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Coble  
Coffman (CO)  
Conaway  
Cravack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert

Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes

Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
Stearns  
Stivers  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—11

Carnahan  
Cole  
Ellison  
Lipinski  
McNerney  
Neal  
Paul  
Payne  
Ryan (OH)  
Sires  
Stutzman

□ 1353

Mr. TIPTON and Mrs. NOEM changed their vote from “aye” to “no.”

Ms. CLARKE of New York, Ms. VELÁZQUEZ, and Mr. NADLER changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. COLE. Mr. Chair, on rollcall number 36, (the Connolly Amendment to H.R. 1734, the Civilian Property Realignment Act which provides for the General Services Administration (GSA) to override the congressionally-approved recommendations of the Commission and allow property to be given at no cost to create open space) had I been present, I would have voted “no.”

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having assumed the chair, Mr. WOMACK, 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. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes, and, pursuant to House Resolution 537, reported the bill, as amended by that resolution, back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. 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.

The SPEAKER. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 1734 is postponed.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, February 1, 2012.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Steve Trout, Director of Elections, Office of the Secretary of State, State of Oregon, indicating that, according to the unofficial returns of the Special Election held January 31, 2012, the Honorable Suzanne Bonamici was elected Representative to Congress for the First Congressional District, State of Oregon.

With best wishes, I am  
Sincerely,

KAREN L. HAAS,  
Clerk.

ELECTIONS DIVISION,

Salem, Oregon, February 1, 2012.

Re Representative in Congress, First Congressional District in Oregon.

Hon. KAREN L. HAAS,  
Clerk, House of Representatives,  
The Capitol, Washington, DC.

DEAR MS. HAAS: This is to advise you the unofficial results of the Special Election held on Tuesday, January 31, 2012, for Representative in Congress from the First Congressional District of Oregon, show that Suzanne Bonamici received 111,570 or 53.82% of the total number of votes cast for that office.

It would appear from these unofficial results that Suzanne Bonamici was elected as Representative in Congress from the First Congressional District in Oregon.

To the best of our knowledge and belief at this time, there is no contest to the election.

As soon as the official results are certified on March 1, 2012, this office will provide you with an official Certificate of Election as required by law.

Sincerely,

STEVE TROUT,  
Director of Elections.

## SWEARING IN OF THE HONORABLE SUZANNE BONAMICI, OF OREGON, AS A MEMBER OF THE HOUSE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon, the Honorable SUZANNE BONAMICI, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. Will Representative-elect BONAMICI and the members of the Oregon delegation present themselves in the well.

All Members will rise and the Representative-elect will please raise her right hand.

Ms. BONAMICI appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 112th Congress.

## WELCOMING THE HONORABLE SUZANNE BONAMICI TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 1 minute.

There was no objection.

Mr. DEFAZIO. Mr. Speaker, on behalf of the entire Oregon congressional delegation, I'm pleased to introduce a fellow Oregon Duck, Italian American,

and the newest member of our delegation, Congresswoman SUZANNE BONAMICI, from the First Congressional District of Oregon.

SUZANNE is a former Oregon State legislator, an attorney who has worked on consumer and small business issues with a distinguished record of accomplishments and service for the people of Oregon. I know she'll be a strong and effective addition to our delegation in the House of Representatives.

SUZANNE, welcome, and we look forward to working with you.

With that, I would yield to my colleague from Oregon.

Mr. WALDEN. Mr. Speaker, on behalf of the entire Republican delegation from Oregon, I extend a very warm welcome to the newest representative from the Beaver State, SUZANNE BONAMICI. She cuts a similar path to the people's House as the one I traveled, having served in Salem as a State representative and a State senator, and as my colleague from Eugene points out, is a fellow Duck, having also earned a journalism degree, as I did, from the University of Oregon.

She joins a congressional delegation that has a long history of embracing what we call the Oregon way, to set aside our differences and pursue solutions to take care of the State's most pressing priorities.

From Congressmen DEFazio, SCHRAEDER, and BLUMENAUER to Senators WYDEN and MERKLEY are on the floor today, we have mounted a number of bipartisan efforts in the Congress. So we are delighted to have you as part of this team. I think I can speak for the entire delegation in saying we look forward to working with you and continuing in the great service to the State of Oregon. Thank you, and welcome to the Congress.

The SPEAKER. The gentlewoman from Oregon is recognized.

□ 1400

Ms. BONAMICI. Thank you, Mr. Speaker.

Speaker BOEHNER, Leader PELOSI, members of the Oregon delegation, new colleagues from across this great country, friends and family. This afternoon I'm honored to accept the responsibility and opportunity to represent the people of northwest Oregon in the United States Congress.

I want to start by thanking my family for your love, encouragement, patience, and sacrifice. My husband Michael Simon, and my children, Andrew and Sara, thank you. Thank you also to my mother, Marie Bonamici Woodcock, who's also here with us today, for giving me my first job in your small business and for instilling in me the values I hold today. And thank you to all the individuals and organizations who stood by me and worked so hard over the past several months to help me reach this day.

Finally, and most importantly, to the people across the First Congressional District of Oregon, thank you for giving me this honor.

It's great to be back in Washington, D.C. I started my legal career here more than 27 years ago as a consumer protection attorney at the Federal Trade Commission. A lot has changed in our world since then, but the importance of the work that happens here in the Capitol and the significance of the decisions that are made in this historic Chamber have not.

Oregon's First Congressional District is full of promise and potential. From the vineyards in Yamhill County to the Port of Astoria in Clatsop County, the family communities in Columbia County, the engines of industry in Washington County, and the arts and culture and business districts in Portland, it's a very diverse and dynamic part of the State. Yet there are too many families still struggling to make ends meet, and they want to know that their voices are heard in our deliberations.

Now, our economy and the Nation's confidence are both in need of rebuilding. As we work together, let us remember that the unparalleled prosperity and creativity of this great Nation over the last century can be traced to this promise—that if you work hard and play by the rules, you can succeed in America. That's the America my grandparents crossed the ocean for. That's the America too many people believe is slipping away. That's the America I want to work to rebuild.

I'm excited to begin. I'm humbled by the tremendous responsibility, and very appreciative of the trust that the people of northwest Oregon have placed in me.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from Oregon (Ms. BONAMICI), the whole number of the House is 434.

#### CIVILIAN PROPERTY REALIGNMENT ACT

The SPEAKER. Pursuant to clause 1(c) of rule XIX, further consideration of the bill, (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes, will now resume.

The Clerk read the title of the bill.

#### MOTION TO RECOMMIT

Mr. MICHAUD. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MICHAUD. I am in its current form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Michaud moves to recommit the bill H.R. 1734 to the Committee on Transpor-

tation and Infrastructure with instructions to report the same back to the House forthwith with the following amendments:

Page 4, after line 21, insert the following:

(x) Properties owned by the Department of Veterans Affairs or other properties used in connection with providing services for veterans, including hospitals, clinics, and facilities that provide job training, post traumatic stress disorder treatment, housing assistance, homeless services, and rehabilitative care.

The SPEAKER. The gentleman from Maine is recognized for 5 minutes.

Mr. MICHAUD. Mr. Speaker, I am hoping today we will see a rare bipartisan moment here in the House when both sides can come together in support of our veterans.

The final amendment I'm offering here today will exempt certain VA facilities from the decommissioning process outlined in the legislation today. It will not kill this bill or even delay its passage. If it's adopted, my amendment will incorporate into the bill and the bill will be immediately voted upon.

I agree with my friends across the aisle that we need to address government waste, especially in this fiscal environment. I can understand why it makes sense to target the poor management and underutilization of government properties to reduce government waste, but I don't think our desire to address these issues should come at the expense of our veterans.

The underlying bill already includes plenty of exemptions to the CPRA process, namely for bases, camps, or stations under jurisdiction of DOD. It seems to me that if the bill already excludes buildings from the consolidation process because our troops rely on them, we should also exclude the buildings for our veterans because they rely on those buildings also.

As ranking member of the VA Health Subcommittee, I've heard testimony after testimony from veterans about the difficulties they face in accessing all the VA health services they need. The VA already provides health care to approximately 7.8 million veterans. As the wars in Iraq and Afghanistan wind down, more and more of the 2.3 million soldiers from those wars will start to seek care from the Veterans Administration.

DOD says that nearly 45,000 veterans from Iraq and Afghanistan have been wounded in action. Even this high number grossly underestimates the number of wounded soldiers who rely on the VA system for health care because of unseen wounds like PTSD, TBI, etc. We can't consider shutting down VA facilities when the need to help our heroes is increasing.

In addition to health care needs, these soldiers will need help finding jobs. The veterans unemployment rate was more than 15 percent in January of 2011. It's great news that it fell 6 percent over the last year, but at 9 percent, it's still above the national average. That is why we have to ensure that the VA's ability to provide career

services to returning soldiers isn't undetermined.

We don't know exactly when, where, or how these veterans will try to access the system, or whether they will be able to access PTSD treatment or to find a job, but we should not jeopardize their ability to do so by subjecting the VA to the same consolidation process as other Federal agencies. If this bill exempts DOD facilities, it should also exempt VA facilities.

Even GAO, whose analysis was used to justify this underlying legislation, cites the unique needs of the VA given the increasing demands that our returning troops will put on the system. As a result of an aging veteran population and a growing number of younger veterans returning from the military operations in Afghanistan and Iraq, GAO found that, "budgeting for the VA's vital health care mission is inherently complex. It is based on current assumptions and imperfect information, not only about program needs, but also on future economic and policy actions that may affect demand and the cost of providing these services." This means that a one-size-fits-all approach for consolidation of government property does not work for the VA.

There are a couple of other reasons why the VA should be exempt from this bill. First, the VA has already recognized that it needs to upgrade, modernize, and realign its property portfolio to provide accessible and cost-effective services. In fact, they've been working on that since 1999. In 2008, GAO said the Department has reduced its underutilized space over 4 years by nearly two-thirds.

□ 1410

Second, GAO has found that 66 percent of VA's underutilized and vacant buildings are historic properties or eligible for historic designation and require more effort for disposal.

I applaud the other side for looking for ways to cut government spending; and there are, clearly, improvements to be made in the area of Federal properties. But we can't pursue the goal of reducing government spending at the expense of our veterans.

In Congress, we frequently mention how grateful we are for our troops, and we often talk about the need to make sure that no veteran is left behind. Well, I'm offering the final amendment on this bill to make sure that we leave no veteran behind.

On behalf of our heroes, they deserve our commitment. I urge my colleagues to support the final amendment.

I yield back the balance of my time.

Mr. DENHAM. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from California is recognized for 5 minutes.

Mr. DENHAM. Madam Speaker, first of all, the President's Commission, in his BRAC, includes VA properties. As well, former VA Secretary Anthony

Principi testified in front of our committee that we ought to be looking at all properties, including VA.

If we're going to do the best interest of American taxpayers, we've got to address waste in government overall, across the entire Nation, across every agency. If there's a property not being used today, then we ought to look at either redeveloping it or selling it off. And this gives us an opportunity to have Republicans and Democrats come together on something that the President included in his jobs bill to actually create American jobs.

The Old Post Office right here in Washington, DC is the perfect example of waste in government. We've had a property sitting well over a decade that costs us \$6.5 million in upkeep every single year. Now we've got redevelopment happening, where we've got different hotel companies coming in and not only bidding on it, creating 150 new jobs in construction, but an additional 150 jobs in ongoing jobs once the facility is redone; keeping it in its historic fashion and actually being able to utilize it once again; an opportunity to redevelop things that aren't being used today, but also selling off things that have been sitting for decades.

Our Federal Government has a horrible track record of selling properties that aren't being used. In fact, we've sold 82 properties in the last 25 years. We can do much better, and the American taxpayers demand that we do much better.

Here's a bipartisan opportunity to get both parties to come together and just sell things that we don't need. If you want to bring in revenue to reduce our debt, here's an opportunity to get rid of the things we don't need, redevelop the things that aren't being used, and get rid of the waste in government. Almost \$2 billion we waste every year just in maintaining properties that, again, aren't needed in government.

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. MICHAUD. 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 of H.R. 1734, if ordered, and adoption of House Resolution 539.

The vote was taken by electronic device, and there were—ayes 186, noes 238, not voting 9, as follows:

[Roll No. 37]

#### AYES—186

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

#### NOES—238

Adams	Burton (IN)	Farenthold
Aderholt	Calvert	Fincher
Akin	Camp	Fitzpatrick
Alexander	Campbell	Flake
Amash	Canseco	Fleischmann
Amodei	Cantor	Fleming
Austria	Capito	Flores
Bachmann	Carter	Forbes
Bachus	Cassidy	Fortenberry
Barletta	Chabot	Fox
Bartlett	Chaffetz	Franks (AZ)
Barton (TX)	Coble	Frelinghuysen
Bass (NH)	Coffman (CO)	Galleghy
Benishek	Cole	Gardner
Berg	Conaway	Garrett
Biggart	Cravaack	Gerlach
Bilbray	Crawford	Gibbs
Bilirakis	Crenshaw	Gibson
Bishop (UT)	Culberson	Gingrey (GA)
Black	Davis (KY)	Gohmert
Blackburn	Denham	Goodlatte
Bonner	Dent	Gosar
Bono Mack	DesJarlais	Gowdy
Boustany	Diaz-Balart	Granger
Brady (TX)	Dold	Graves (GA)
Brooks	Dreier	Graves (MO)
Brown (GA)	Duffy	Griffin (AR)
Buchanan	Duncan (SC)	Griffith (VA)
Bucshon	Duncan (TN)	Grimm
Buerkle	Ellmers	Guinta
Burgess	Emerson	Guthrie

Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock

McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)

Royce  
Runyan  
Ryan (WI)  
Sánchez, Linda  
T.  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOT VOTING—9

Carnahan  
Ellison  
Hurt

McNerney  
Neal  
Payne  
Sires  
Woodall

□ 1433

Messrs. CRAWFORD and SMITH of New Jersey changed their vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HURT. Madam Speaker, I was not present for rollcall vote No. 37, on the motion to recommit with instructions on H.R. 1734, the Civilian Property Realignment Act. Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the passage of the bill.

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

## RECORDED VOTE

Mr. CONNOLLY of Virginia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 259, noes 164, not voting 10, as follows:

[Roll No. 38]

AYES—259

Adams  
Aderholt  
Akin

Alexander  
Amash  
Amodei

Austria  
Bachmann  
Bachus

Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Berkley  
Biggart  
Bilbray  
Bilirakis  
Bishop (NY)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cooper  
Costa  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger

Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Himes  
Hochul  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
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  
Lummis  
Lungren, Daniel  
E.  
Mack  
Maloney  
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  
Perlmutter  
Petri  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—164

Broun (GA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)

Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)

Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Hinchey  
Hinojosa  
Holden  
Holt  
Honda  
Hoyer  
Inslee  
Israel  
Jackson (IL)  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating

Kildee  
Kind  
Kucinich  
Langevin  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Markay  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
Meeks  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Oliver  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Peters  
Peterson  
Pingree (ME)  
Price (NC)  
Quigley  
Rahall  
Rangel  
Reyes  
Richardson  
Richmond

## NOT VOTING—10

Bass (CA)  
Carnahan  
Ellison  
Hanna

Hirono  
McNerney  
Neal  
Paul

Payne  
Sires

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1440

Mr. SCOTT of South Carolina changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# PROVIDING FOR CONSIDERATION OF H.R. 3581, BUDGET AND ACCOUNTING TRANSPARENCY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 539) providing for consideration of the bill (H.R. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 239, nays 181, not voting 13, as follows:

[Roll No. 39]

## YEAS—239

Adams Goodlatte Nunes  
Aderholt Gosar Nunnelee  
Akin Gowdy Olson  
Alexander Granger Palazzo  
Altmire Graves (GA) Paulsen  
Amash Graves (MO) Pearce  
Amodei Griffin (AR) Pence  
Austria Griffith (VA) Petri  
Bachmann Grimm Pitts  
Bachus Guinta Platts  
Barletta Guthrie Poe (TX)  
Bartlett Hall Pompeo  
Barton (TX) Hanna Posey  
Bass (NH) Harper Harris  
Benishek Hartzler  
Berg Biggart Hastings (WA)  
Biggart Hastings (WA) Hayworth  
Bilbray Heck  
Bilirakis Hensarling  
Bishop (UT) Herger  
Black Herrera Beutler  
Blackburn Huelskamp  
Bonner Huiizenga (MI)  
Bono Mack Hultgren  
Boustany Hunter  
Brady (TX) Hurt  
Brooks Issa  
Broun (GA) Jenkins  
Buchanan Johnson (IL)  
Bucshon Johnson (OH)  
Buerkle Johnson (OH)  
Burgess Johnson, Sam  
Burton (IN) Jones  
Calvert Jordan  
Camp Kelly  
Campbell King (IA)  
Canseco King (NY)  
Cantor Kingston  
Capito Kinzinger (IL)  
Carter Kline  
Cassidy Labrador  
Chabot Lamborn  
Chaffetz Lance  
Coble Landry  
Coffman (CO) Lankford  
Cole Latham  
Conaway LaTourette  
Cravaack Latta  
Crawford Lewis (CA)  
Crenshaw LoBiondo  
Culberson Long  
Davis (KY) Lucas  
Denham Luetkemeyer  
Dent Lummis  
DesJarlais Lungren, Daniel  
Diaz-Balart E.  
Dold Mack  
Dreier Manzullo  
Duffy Marchant  
Duncan (SC) Marino  
Duncan (TN) Matheson  
Emerson McCarthy (CA)  
Farenthold McCaul  
Fincher McClintock  
Fitzpatrick McCotter  
Flake McHenry  
Fleischmann McKeon  
Fleming McKinley  
Flores McMorris  
Forbes Rodgers  
Foxy Meehan  
Franks (AZ) Mica  
Frelinghuysen Miller (FL)  
Gallegly Miller (MI)  
Gardner Miller, Gary  
Garrett Mulvaney  
Gerlach Murphy (PA)  
Gibbs Myrick  
Gibson Neugebauer  
Gingrey (GA) Noem  
Gohmert Nugent

## NAYS—181

Ackerman Boren  
Andrews Boswell  
Baca Brady (PA)  
Baldwin Braley (IA)  
Barrow Brown (FL)  
Bass (CA) Butterfield  
Becerra Capps  
Berkley Capuano  
Berman Cardoza  
Bishop (GA) Carnahan  
Bishop (NY) Carney  
Blumenauer Carson (IN)  
Bonamici Castor (FL)

Courtney Johnson (GA)  
Critz Johnson, E. B.  
Crowley Kaptur  
Cuellar Keating  
Cummings Kildee  
Davis (CA) Kind  
Davis (IL) Kissell  
DeFazio Kucinich  
DeGette Langevin  
DeLauro Larsen (WA)  
Deutch Larson (CT)  
Dicks Lee (CA)  
Dingell Levin  
Doggett Lewis (GA)  
Donnelly (IN) Lipinski  
Doyle Loebsack  
Edwards Lofgren, Zoe  
Engel Lowey  
Eshoo Lujan  
Farr Lynch  
Fattah Maloney  
Finer Markey  
Frank (MA) Matsui  
Fudge McCarthy (NY)  
Garamendi McCollum  
Gonzalez McDermott  
Green, Al McGovern  
Green, Gene McIntyre  
Grijalva Meeks  
Gutierrez Michaud  
Hahn Miller (NC)  
Hanabusa Miller, George  
Hastings (FL) Moore  
Heinrich Moran  
Higgins Nadler  
Himes Napolitano  
Hinchey Neal  
Hinojosa Oliver  
Hirono Owens  
Hochul Pallone  
Holden Pascarell  
Holt Pastor (AZ)  
Honda Pelosi  
Hoyer Perlmutter  
Inslee Peters  
Israel Peterson  
Jackson (IL) Pingree (ME)  
Jackson Lee Polis  
(TX) Price (NC)

## NOT VOTING—13

Connolly (VA) Murphy (CT)  
Ellison Paul  
Elmiers Payne  
Fortenberry Quayle  
McNerney Sires

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1449

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. QUAYLE. Mr. Speaker on rolcall No. 39, had I been present, I would have voted "yea."

BUDGET AND ACCOUNTING  
TRANSPARENCY ACT OF 2012

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3581.

The SPEAKER pro tempore (Mr. HURT). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 539 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. 3581.

□ 1449

## 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. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes, 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 Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

□ 1450

Mr. RYAN of Wisconsin. Madam Chair, I yield myself such time as I may consume.

I want to begin by thanking my colleagues who helped pass the Pro-Growth Budgeting Act and the Baseline Reform Act in the House last week. Today, we are here to continue that work, focused on changing Washington's culture of spending and ensuring policymakers serve as responsible stewards of hardworking American tax dollars.

I stand in strong support of the Budget and Accounting Transparency Act offered by the vice chairman of the Budget Committee, Congressman SCOTT GARRETT of New Jersey.

While it's well known that Washington has a spending problem, it is less well known that Washington isn't being fully honest about how much it is spending. This bill would increase transparency and accuracy in budgeting for Federal credit programs, the housing-related government-sponsored enterprises Fannie Mae and Freddie Mac, and the publication of budget justification materials.

First, it would require fair-value accounting, which recognizes the market risks that the government is incurring by issuing a loan or a loan guarantee for all Federal programs that make loan or loan guarantees. Market risk is already accounted for in several government programs like TARP and GSEs, and it's a very common practice in the private sector.

Second, this bill would bring Fannie Mae and Freddie Mac on budget. These enterprises rack up billions in liabilities hidden from the public income tax payers. Last June, the CBO testified that it puts the total cost of the mortgage commitments made by these two entities at \$291 billion and that that cost would ultimately rise even higher.

Third, this bill increases transparency for information contained in agency budget requests by requiring that they be made public on the Internet at the same time as they are provided to Congress. Government agencies have an obligation to taxpayers to justify every dollar spent in Washington.

Madam Chair, no budget process reform can substitute for political will when it comes to tackling our greatest fiscal and economic challenges. Getting America back on track will require a Senate and a President willing to get serious about the structural drivers of the debt and the continued impediments we have to economic growth. But being honest about the size and scope of our challenges, as this reform calls for, offers us a concrete step in the right direction.

At this time, Madam Chair, I would like to yield the remainder of our time for the purposes of managing the bill to the author of this bill, Mr. GARRETT, the vice chairman of the Budget Committee.

With that, we will reserve the balance of our time.

The CHAIR. The gentleman from New Jersey will be recognized.

Mr. VAN HOLLEN. Madam Chair, I yield myself such time as I may consume.

Here we are on the floor of the House, another day when we haven't taken up the President's jobs bill that he presented right here before a joint session of Congress last September. We have had some good news in the economy, some numbers that show that we have a fragile recovery going on. It would be a huge mistake not to do everything we can to nurture that recovery. So I hope we will finally take up the President's proposal, and I hope that the on-going conference committee on the payroll tax cut will complete its work in an expeditious manner.

Now, with respect to this particular bill that is before us, it raises some very serious and very complicated issues regarding budget accounting for credit programs, and I want to commend Mr. GARRETT from New Jersey. I want to commend him for raising some legitimate issues as part of this conversation, issues that deserve our attention. But it is totally premature to bring this bill to the floor without having more hearings and more review.

In the Budget Committee, we've not had a single hearing on the comprehensive question of how we deal with all the credit programs and how to account for them. We had one hearing with respect to whether we apply this to the FHA, the Federal Housing Administration; but this bill goes way beyond that and would direct CBO to change its method of accounting for credit programs like student loan programs and for other programs throughout the U.S. Government.

It has very far-reaching consequences. This is a matter on which people who've spent their lives looking at the budget disagree, and so the Budget Committee at the very least could spend a few hours on a hearing to understand fully the consequences of doing this.

I just want to read from a letter that was sent to us from the former head of the nonpartisan, independent Congressional Budget Office, Robert

Reischauer. He says, I strongly oppose this change. He goes on to say: "The accounting convention used since the enactment of the Credit Reform Act of 1990 already reflects the risk that borrowers will default on their loan or loan guarantees." He goes on to say: "H.R. 3581 proposes to place an additional budgetary cost on top of the actual cash flows." And he goes on to explain what is a very complicated issue, a very complicated matter.

I would say to my colleagues, not that this isn't an appropriate question for the Budget Committee to take up, but it's totally inappropriate for the Congress to direct the Congressional Budget Office to take up a different accounting measure which is not ready for prime time and for which we have not had the time to fully review all of its consequences.

With that, I reserve the balance of my time.

ROBERT D. REISCHAUER,  
*Bethesda, MD, January 23, 2012.*

Hon. CHRIS VAN HOLLEN,  
*Longworth H.O.B.,  
Washington, DC.*

DEAR REPRESENTATIVE VAN HOLLEN, I am writing in response to your request for my views on the desirability of adopting "fair value accounting" of federal direct loan and loan guarantee costs in the budget as proposed in H.R. 3581. I strongly oppose such a change.

The accounting convention used since enactment of the Credit Reform Act of 1990 already reflects the risk that borrowers will default on their loans or loan guarantees. Under Credit Reform, costs already are based on the expected actual cash flows from the direct loans and guarantees (with an adjustment to account for the timing of the cash flows). H.R. 3581 proposes to place an additional budgetary cost on top of the actual cash flows. This additional cost is supposed to reflect a cost to society that stems from the fact that, even if the cash flows turn out to be exactly as estimated, the possibility that the credit programs would cost more (or less) than estimated imposes a cost on a risk-averse public. Under the proposal, this extra cost would be the difference between the currently estimated cost of direct loans and loan guarantees to the federal government and the cost of those loans and loan guarantees if the private market were providing them.

A society's aversion to risk may be an appropriate factor for policymakers to take into account in a cost-benefit assessment of any spending or tax proposal but adding a cost to the budget does not make sense. Nor is clear that the cost of societal risk aversion should be based on individual or institutional risk which is what the private market reflects. Inclusion of a risk aversion cost for credit programs would be inconsistent with the treatment of other programs in the budget (many of which have costs that are at least as uncertain as the costs of credit programs—for instance, many agriculture programs and Medicare—and would add a cost element from a traditional cost-benefit analysis without adding anything based on the corresponding benefit side of such an analysis. It would also make budget accounting less straightforward and transparent.

H.R. 3581 represents a misguided attempt to mold budget accounting to facilitate a cost-benefit analysis, with the result that neither the budget nor the cost-benefit analysis would serve their intended purposes well.

I would be glad to discuss these issues in more detail if you would like.

With best wishes.

ROBERT D. REISCHAUER.

Mr. GARRETT. Madam Chair, I yield myself such time as I may consume.

At the start, I would like to thank Chairman RYAN and the Budget Committee staff for their hard work with regard to H.R. 3581, the Budget and Accounting Transparency Act. Unless you've been living someplace else other than here for the last several years, you will not be surprised to hear that this country is broke. And it should not surprise you that the true extent of our country's debt crisis is a lot worse than anyone in Washington is letting on to. How much worse? Well, that's something that people really don't know, and we'll never know unless we reform the broken budget process here in Washington, D.C. Many have talked before about the fact that our process is broken. Simply put, we need to make the budget process more transparent and accountable.

Fortunately, today we are taking a step in the right direction with this bill. The bill before us today, the Budget and Accounting Transparency Act, is, as I say, a commonsense approach to introduce more sunshine and common sense into the budget-making process.

So what would the bill do? First of all, specifically, the bill recognizes the budgetary impact of the GSEs, Fannie and Freddie, by bringing back onto budget and closes that black hole that's out there and brings them out of the shadow and into the light.

This bill also requires that the Federal Government apply the very same credit accounting standards as the private sector is doing right now when guaranteeing loans.

You know, back in September of 2008 as the country was reeling from the fallout of the financial collapse, the GSEs, Fannie and Freddie, were placed into conservatorship by the FHA. Under this agreement, FHA took control of the two companies and the Treasury Department risked literally hundreds of billions of dollars, taxpayer dollars, to bail them out. Today, the American taxpayer has sunk over \$183 billion and counting into those failed institutions. As if this weren't enough, they've added \$1.2 trillion in debt and \$5.3 trillion in mortgage-backed securities.

Because Fannie and Freddie have become the explicit financial responsibility of all of us via the Federal Government, it only makes sense, don't you think, that we treat them the same way that we'd treat any other obligation of the Federal Government, by formally bringing them onto the budget. The CBO even says this. They took a step several years ago by the Office of Management and Budget, but they resisted the change, preferring to obscure the total Federal exposure of Fannie and Freddie. It's time that the Obama administration does the same thing.

So bringing Fannie and Freddie exposes some of the ugly—and maybe we'll call them inconvenient—truths; but I know that the American people did not send us here to play a shell game, but did send us here to bring out the facts.

The combined debt obligation of Fannie and Freddie isn't the only black cloud hanging over us. There's inaccuracies and lack of transparency in budgeting for Federal credit programs across the field. We can talk about the Solyndra situation that makes the news. That fiasco was an example of a loan guarantee gone sour. Federal loan guarantees are contractual obligations between the taxpayer, the private creditor, and the borrower. In that case, it went south. But, unfortunately, under current law when the government issues a loan guarantee, the inherent risk is not reflected in the loan or loan guarantee cost. In fact, the CBO estimates that our current Federal obligations under these accounting rules today understate the cost of credit programs by some \$55 billion a year.

□ 1500

Because the rules do not account for market risk, that is why we need to change it. And with that, Madam Chair, I reserve the balance of my time only to say that this does three important things: provides the clarity, the transparency, and the accountability that we are looking for in these and other aspects of the Federal Government programs.

Mr. VAN HOLLEN. I yield 3 minutes to the gentleman from New Jersey, a member of the Budget Committee, Mr. PASCRELL.

Mr. PASCRELL. Madam Chair, with regard to the title of this legislation, the Budget and Accounting Transparency Act, maybe they should have stopped there, Madam Chair, because the rest of the bill is not transparency at all. We still want to deal in the mist, we still want to believe that if we don't pay our bills and if we don't pay the bills that we have, the Federal Government, that everything is going to be all right. The bond rating agencies don't think so, nor does anyone else. So when you put the country in jeopardy of not paying its own bills, here is who you hurt: you hurt the middle class, you hurt the working poor, and you hurt the poor.

This bill is nothing more than a backdoor method to politicize and eliminate important Federal investments. They've been trying to do that, Madam Chair, for 4 years. It hurts the middle class, hurts the working folks, and it hurts the economy.

The use of the fair value accounting is the ax that these extreme methods will take to spending on our education, our small businesses, and the next generation of clean technology. This bill that we are discussing right now requires that certain programs that make loans, whether they be student loans, Small Business Administration

loans, or Department of Energy loans for clean energy projects, be scored to cost more than the government actually spends. And you don't even deny it.

In short, fair value accounting doesn't call a nickel a nickel, it calls it 10 cents. Artificially inflating spending levels in loan payments, in loan programs, puts the squeeze on important Federal programs that families rely on, particularly in difficult times.

You can laugh all you want, Madam Chair, but this is the truth. Families are being squeezed out there. And I know that you know—you know—Madam Chair, that this is important to the daily living of folks that you represent and I represent. And I'm not getting personal. I'm saying that we, as representatives, have got to represent the people in our district whether they're hurting or not. And I understand that we've had many bills on the floor of this House in the past 3 years to squeeze the economy. And what has it resulted in? You squeezed the States, you squeezed the municipalities—

The CHAIR. The time of the gentleman has expired.

Mr. VAN HOLLEN. I yield the gentleman 1 additional minute.

Mr. PASCRELL. You squeezed them so they lay off police officers, they lay off teachers, and they lay off firefighters, and you're telling America, Madam Chair, don't worry about it, this will all be over, this is simply that we all have to have shared pain. Yeah, sure, shared.

This bill will jeopardize our economic recovery by putting the brakes on the housing market. It would bring us closer to another debt ceiling debate. Madam Chair, I think that's where we want to head, some of us: let's have another debate over the debt ceiling, let's have another debate as to whether we should pay our bills so we can shut down the place.

For you to preside over and get folks to believe that if you shut the government down, maybe that wouldn't be so bad either, not paying our debts wouldn't be so bad, I don't know what planet we're living on. This country needs pro-growth economic policies. We need to take action, and the action we should take is to vote down this transparency act.

Mr. GARRETT. Madam Chair, just as we recognize that the American taxpayer has already been squeezed by such expenditures as \$527 million for the failed loans to Solyndra, we recognize that they must put these on the record so we understand what they truly cost. And the gentleman who has been a leader in this regard from the very beginning in his time in Congress, a leader in the area of budget transparency and in fixing the American budget and here in Congress, is the gentleman from Texas (Mr. HENSARLING). I yield 2 minutes to the gentleman from Texas.

Mr. HENSARLING. I thank the gentleman for yielding. I appreciate his

leadership, and certainly his leadership as one of the foremost budget hawks in the entire United States Congress.

Madam Chair, we just learned that the President will not be a day late and a dollar short with his budget. Instead, he will be a week late and a trillion dollars short on his budget. We also learned from the Congressional Budget Office this will not be his first year, his second year, his third year, but his fourth year to be a trillion dollars short on his budget.

Now, Madam Chair, we received a little good news last month: 200,000 of our fellow citizens were able to find work. Unfortunately, 13 million—almost 13 million—remain unemployed, more people are on food stamps than ever before, and half of all Americans are either low-income or in poverty under the policies of this President. It is clear that this President's policies have failed. They have made our economy worse. And because he cannot run on his record, he has regrettably turned to the politics of division and envy.

To help the economy, to help create more jobs, Madam Chair, number one, we've got to quit spending money we don't have. And second of all, the American people and job creators have to be able to know that they have a fact-based budget, one that is as honest as the American people themselves.

We need fair value accounting. If you're a small business in the Fifth District of Texas and you don't have fair value accounting, you'll probably go broke. Well, the Federal Government doesn't use fair value accounting, and guess what? The Federal Government is broke. That's why we must pass the gentleman from New Jersey's bill, the Budget and Accounting Transparency Act. No more Fannie and Freddie's, no more Solyndras. Let's ensure that we account for these costs as part of the Republican plan for America's job creators to give our job creators the confidence they need to hire and grow this economy.

Mr. VAN HOLLEN. Madam Chair, it's unfortunate that some of our Republican colleagues can't take just a moment away from politics to celebrate the fact that we did have some good economic news over the last month. Over 250,000 private sector jobs were created. That's good news. Is it enough? Of course not. Of course, we need to do more, which is why we'd like to see our Republican colleagues bring the President's jobs bill to the floor of the House. It's still sitting somewhere around here.

It includes a proposal to invest in our infrastructure, in our roads, in our bridges and broadband so that we can make sure that we have an economy that can compete and win with respect to our global competitors. So it would be great if we could take up that bill. In the past, investment in infrastructure has always been a bipartisan initiative, but the President's proposal is still languishing.



With that, I yield 2 minutes to the gentlelady from Wisconsin, a member of the Budget Committee, Ms. MOORE.

Ms. MOORE. I thank the gentleman for yielding.

Madam Chair, I rise today to join my fellow Democratic members of the House Budget Committee to express my confusion and disbelief over our colleagues' decision to make a spectacle out of the so-called budget process reform bills rather than using our time to wisely address serious economic policy and make long-term, overdue process improvements.

I admire my Republican colleagues for raising the issue of the need to have a better budgeting process. But these are just spectacles. This so-called Budget and Accounting Transparency Act is an example of that.

H.R. 3581 would change the way we budget for government loans by requiring that estimates for these loans—examples are student loans, energy loans, housing, small business loans—be done on the so-called fair value basis.

□ 1510

These estimates account for so-called “market-based” risk.

Now, experts argue that so-called fair-value estimates overstate the true cost of government credit programs because the estimates include a risk premium that never materializes in the government's cash flow.

It's also critical to note that in every single discussion of H.R. 3581 and fair-value estimates, that if we applied this policy not just to credit products, but government-wide—like to Medicare or to ag programs, or some of the other favored programs of the majority—it would increase estimated subsidy costs to the government for all loan programs by more than \$50 billion. But you know what, that may in fact be consistent with what the authors and proponents of this bill want to see.

We heard, Madam Chair, our good friend, Mr. GARRETT, start his opening speech with how the country is broke. We heard Mr. HENSARLING talk about the food stamp President.

The CHAIR. The time of the gentlewoman has expired.

Mr. VAN HOLLEN. I yield the gentlelady an additional minute.

Ms. MOORE. I've got to talk about the food stamp President a little bit—and talking about how we ought to stop spending. Well, this in fact accomplishes that purpose. By overstating the budget risk, the accounting risk that's already accounted for in the Credit Reform Act of 1990, by overstating the cost of these programs, it in effect reduces the base for our budgets. And if that is their mission, it will be accomplished with passage of these bills.

It doesn't make any sense, Madam Chair, to try to put Freddie and Fannie on budget when right now in the Financial Services Committee, on which some of these Members sit, we are trying to make a major overhaul of

Freddie and Fannie, and their fate has not been determined yet.

The OMB, the CBO, both of the institutions that we rely upon for budgeting, are not prepared to bring this online. This is not ready for prime time, and I would urge the body to reject these proposals that have not been vetted.

Mr. GARRETT. Madam Chair, I yield myself such time as I may consume.

I thank the lady for commending us for raising these issues. But actually, we're doing something more than just simply raising the issue. We're addressing it and solving this problem as well.

I appreciate the fact that the gentlelady raises the fact about a list of experts who have questions about this. Well, I have experts too, but I actually have the name. A former CBO Director, Doug Holtz-Eakin, now with American Action Forum, writes us here to express support of H.R. 3581.

The gentlelady may also know, since she serves on the committee, when it comes to this issue that we had this issue up in committee recently, and we asked the current CBO Director does he support with regard to moving towards fair value. And he said that is the more appropriate basis of evaluating the obligations of the Federal Government. So we have the experts.

AMERICAN ACTION FORUM,  
January 30, 2012.

Hon. PAUL RYAN,  
Longworth House Office Building,  
Washington, DC.

DEAR CHAIRMAN RYAN: I am writing to express my support for H.R. 3581, “The Budget and Accounting Transparency Act of 2011,” in particular those provisions that would incorporate fair value accounting (FVA) into the federal budget process. As you are well aware, a core objective in federal budgeting is to accurately display the scale and timing of the expenditure of taxpayer resources. Since sovereign tax and borrowing powers should always be used judiciously, there is a premium on doing so as accurately as possible.

In some cases this is straightforward. Consider, for example, a discretionary appropriation. The scale of the overall commitment is clear and in some cases it is straightforward to budget the timing of the ultimate outlays as well. Federal credit programs, however, present particular difficulties. The timing of budgetary cash flows differs dramatically between direct loans and federal loan guarantees—even in cases when the ultimate economic impact is identical. The Federal Credit Reform Act of 1990 (FCRA) took an important step forward by equalizing the timing of their budgetary treatment. Direct loans and loan guarantees are both recorded in the budget during the year in which the commitment is incurred, regardless of the duration and timing of the federal assistance.

This was an important step in the right direction. However, estimating the scale of required taxpayer resources remains problematic. In particular, the ability of loan recipients to make timely and complete repayments will be influenced by future individual, household, and economy-wide economic conditions. In the same way, the obligation of the federal government to undertake guarantee payments will be driven by similar forces.

While such future individual and economic conditions are uncertain, reliable techniques

exist to estimate the likely size of the taxpayer obligation. Unfortunately, FCRA needlessly restricts the analyses to credit risk—the probability of failure to fully repay—while ignoring the fact that the timing of those failures matters enormously. As the past few years have starkly reminded every American, the need to tax, borrow and otherwise deprive the private sector of another dollar has far greater implications during the depths of economic distress than during periods of robust economic growth. Adoption of FVA would rectify this oversight.

I recognize that significant reform to budget procedures should not be undertaken lightly. However, my views are informed by the fact that during my tenure as director, the Congressional Budget Office undertook a number of studies of the implications of accounting fully for economic risks in the budgetary treatment of financial commitments like credit programs. In example after example (pension guarantees; deposit insurance; flood insurance; student loans; and assistance for Chrysler and America West Airlines), it becomes clear that an incomplete assessment of risks leads to misleading budget presentations and may engender poor policy decisions. FVA would be a significant step toward improving this informational deficit.

My views are echoed by a wide array of budget experts. In March 2010, CBO issued a new report recommending the use of FVA for federal student loan programs on the grounds that budget rules do “not include the costs to taxpayers that stem from certain risks involved in lending.” In addition, the Pew-Peterson Commission on Budget Reform proposed “fair-value accounting” for credit programs and the President's National Commission on Fiscal Responsibility and Reform advocated for reform of budget concepts that would more accurately reflect costs.

In addition to these research views, there is a track record of success. FVA has already been used successfully for the budgetary treatment of the Temporary Asset Relief Program of 2008 (TARP) and the federal assistance to Fannie Mae and Freddie Mac.

Last but not least H.R. 3581 would also fix another shortcoming of FCRA; namely that the administrative costs associated with federal operations are not included in the budget cost and must be provided for elsewhere. H.R. 3581 would require that administrative costs (called “essential preservation services”) to be accounted for up-front, thereby balancing the playing field.

In sum, I believe that the Congress should adopt fair value accounting and, in particular, pass H.R. 3581 in a timely fashion. I would be happy to discuss any aspect of this issue in greater detail.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

With that, I yield 1 minute to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Madam Chair, a family that excludes from its family budget the mortgage payments it knows it must make is deluding itself and it's sabotaging its finances. That's precisely what the Federal Government is doing right now with respect to billions of dollars of liabilities that arise from its ill-fated sponsorship of Fannie Mae and Freddie Mac.

This bill takes a small step toward restoring honest and accurate accounting to our government's finances by requiring that the enormous liabilities

incurred by Fannie and Freddie be accounted for in the Federal budget process, using exactly the same accounting standards for loans that we already insist upon with mortgage lenders.

I wish this bill abolished Fannie and Freddie outright. I wish it restored the days when banks and borrowers who made bad decisions took responsibility for them and didn't demand that their neighbors pay for their mistakes. But can't we at least agree that the public has a right to expect that the cost of this folly is honestly accounted for in our Nation's budget?

Mr. VAN HOLLEN. Madam Chair, I reserve the balance of my time.

Mr. GARRETT. I yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Madam Chair, I'm grateful that we're getting a chance to shine some light into the area of the credit costs and the credit issues. If you went to any bank in America, any community bank, any other bank you wanted to go to and talked to them about fair value, they would know exactly what we're talking about because we as the Federal Government require that of them. Now, this is another one of those instances that the Federal Government has exempted themselves from the rules that everyone else has to live under.

Fair value is not some radical, different proposal. It takes into effect the real risks that are sitting out there on the horizon and says those need to be taken into account. It's what we evaluate every single bank on dealing with their safety and soundness.

This bill addresses three real issues. Let me try to address those three. The real cost, that's number one. The real cost in Washington is incredibly difficult to find nowadays. You have all these different estimates, all these things that move around. If we want to know what is the real cost with the risk involved, this is the only way to be able to get it is in this fair-value estimate.

The second real—the real issue in the past couple of years is Fannie and Freddie. We all know it, we're all aware of it, and for the first time we're getting to the real issue and starting to deal with how do we handle Fannie and Freddie, where do we go from here.

So we're getting the real costs. We're beginning to deal with the real issue, which is Fannie and Freddie.

And, finally, we're finally getting real transparency. We should let every American see what's in our budget and how we're handling it and the costs that are out there. This puts it online and gets out there for every single American to be able to take a look at it and say, okay, what are the proposals? What is out there? What's the real cost? How are we going to handle this in real ways? And how do we get real transparencies?

Mr. VAN HOLLEN. Madam Chair, I yield myself such time as I may consume.

Look, if this legislation only dealt with Fannie and Freddie, that's something that I certainly would support. In fact, the Congressional Budget Office already puts Fannie and Freddie online. I know it's an easy catch phrase, but the reality is, behind the discussion of Fannie and Freddie is a whole other discussion about whether we want to apply these rules to things like student loans. And the reality is that if you apply this methodology to student loans, you will systematically overestimate the cost in the budget in terms of outlays.

I would just like, Madam Chair, to refer the body to a report that was written by two of the prime advocates for this. It's called "Reforming Credit Reform." Deborah Lucas was one of the coauthors. This was in "Public Budgeting & Finance," winter of 2008. Just let me read a portion because it says: Including a risk premium in subsidy cost produces a cost estimate that on average exceeds outlays for realized losses. That discrepancy between cash flows and subsidy costs must be reconciled in the budget so that over the life of a credit cohort, actual cash flows match budget costs in expectation.

Now, as I said, this is a complicated issue, and that sounds like a lot of complicated budgety gobbledygook. Bottom line is, what this bill does is systematically overestimate the costs in the budget on a cash-flow basis. And it's important that everybody understand this.

Right now, when the Federal Government budgets for credit risk, we take into account the default rate. In other words, whether it's student loans, whether it's clean energy loans, whether it's Fannie and Freddie, people make an assessment about what the likely default rate is. That is taken into account and then discounted for present value when you put together your budget.

Now, even the advocates of this legislation concede that. That's not a question; we already do that. And even the advocates of this legislation concede that it will, again, systematically, in the budget, have a higher cost number associated with outlays than reality will dictate.

What do I mean by that? It will say that student loans are actually more expensive on a cash basis than they really are. Let me repeat that. If you direct that the Congressional Budget Office move to this kind of accounting, the numbers that will appear in the budget on a cash basis will systematically exaggerate, inflate the costs of the credit program. What that means is if you're a Member of Congress and you're looking at a proposed student loan program and you're looking at the numbers that are forecast, you're going to think that it's more expensive in cash terms to the taxpayer than it really is, on average, over time. Therefore, you're going to be less likely to make that investment, potentially.

So I think it's important as we look at this that we recognize that in place of something that, as I said, the former head of CBO, Bob Reischauer, has said provides an accurate picture of the costs on a cash basis to replace that with something that systematically gives us a different picture, and one that systematically exaggerates the costs would be a mistake.

And again, I just end this portion here by saying we just don't think this is ready for prime time. We don't think that we've fully understood all the impacts. There are experts on both sides of this issue, but it seems to me the Budget Committee could at least devote one hearing to this general topic. Again, we had one hearing on applying this to FHA. If you want to apply it to Fannie Mae and Freddie Mac, CBO already does that, no problem. But this leaps from that to applying it throughout the budget, including student loan programs, and I don't think we've begun to understand what impact that would have on the affordability of going to college and the other impacts throughout the budget.

I reserve the balance of my time.

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

The gentleman from Maryland speaks of the report of Marvin Phaup from 2008, I guess that was, and also speaks in reference to the Center on Budget and Policy Priorities. In front of me, and I'll ask, under general leave to enter this into the RECORD as well. Just recently, just this week, I guess, he has now issued the final report, and this report says as follows:

"This comment responds to a recent release from the"—as the gentleman's referring to—"from the Center on Budget and Policy Priorities (CBPP)."

And what does he say?

"My view is that the CBPP misrepresents our work"—that you were referring to. They misrepresent his work—"and more fundamentally incorrectly characterizes the purposes and consequences of moving to a fair value approach to credit valuation in the budget."

One of his main points is the legislation before us would do what? It "would remove 'phantom' gains to the government from the budgetary treatment of direct lending and loan guarantee programs. These illusory gains mislead public policymakers about the costs of their policy decisions."

What does that mean? What that means is, in the numbers that the gentleman from Maryland was talking about that are actually making more and, over time, exceeds outlay, Marvin Phaup is here saying, no, just the opposite, that this bill would address that. It would remove those gains and show it for the reality of what it is.

FAIR MARKET VALUES AND THE BUDGETARY  
TREATMENT OF FEDERAL CREDIT: COMMENT  
ON CBPP'S RELEASE ON H.R. 3581

(By Marvin Phaup)

This Comment responds to a recent release from the Center on Budget and Policy Priorities (CBPP). The release asserts that the federal budget currently measures the cost of direct loans and loan guarantees comprehensively and that as a result the costs of cash and credit programs are directly comparable. CBPP asserts further that enacting H.R. 3581, which would require the use of fair market values in calculating the budget cost of federal loans and guarantees, would add a cost of risk that the government does not incur. Consequently, it claims, this would overstate federal costs and the budget deficit and create a bias against the use of credit programs. CBPP also refers critically to my earlier work with Deborah Lucas, showing that government credit activities are subject to the same market risk as private credit and exploring the implications of this finding for budgeting. My view is that CBPP misrepresents our work and more fundamentally incorrectly characterizes the purposes and consequences of moving to a fair value approach to credit valuation in the budget.

In this note, I make the following points:

H.R. 3581 would remove "phantom" gains to the government from the budgetary treatment of direct lending and loan guarantee programs. Those illusory gains mislead policy makers about the costs of their policy decisions.

Illusory gains on federal credit also encourage budget gimmickry. For example, FCRA would permit the government to balance its budget immediately on paper by issuing large amounts of Treasury debt and using the proceeds to invest in an equally large portfolio of risky loans. This result would be absurd because in issuing a dollar of debt and buying a dollar of risky loans at market prices, the government's net financial position is unchanged.

If the current practice of using the prices of Treasury securities to value risky loans rather than the market value of the risky securities themselves were extended to other assets, then the government could—with the same logic—direct the Treasury to buy a ton of lead, value it at the price of gold, and record the gain as deficit reduction.

The cost of market risk should be a budget cost because it is a cost to government stakeholders and its absorption by some yields an unrecognized subsidy to others. CBPP would include this cost in cost-benefit analyses where the purpose is to decide if a federal activity produces a net gain but not in the budget. Budgeting without an evaluation function, however, is little more than a redundant projection of Treasury's borrowing requirements.

The cost of market risk should not be excluded from the budget on grounds that the money isn't paid out by the government. Both the Universal Service Fund and the United Mine Workers of America Benefit Funds are included in the budget, even though the money is untouched by federal hands.

PURPOSES OF BUDGETING, FAIR VALUE, AND  
COST COMPARISONS

Budgetary costs serve several purposes, but arguably the primary one is to measure the value of public resources devoted to an activity by the government. For many activities, such as the purchase of goods and services, this purpose is well-served by a cash measurement focus and basis of accounting. The cash costs that appear in the budget for these activities are fair value costs because they are based on the market prices of the goods and services purchased

(directly, or indirectly through the use of grants and transfers) by the government. When the government buys a fleet of trucks, the budgetary cost is based on the market price of the trucks.

Accounting for the cost of credit on a fair value basis would similarly identify the budgetary cost of credit with its market price, thereby putting credit and non-credit activities on a conceptually level playing field.

Under the Federal Credit Reform Act of 1990 (FCRA), the budget records the cost of direct loans and loan guarantees on an accrual basis. FCRA mandates that the budget record the estimated lifetime cost of a direct loan or loan guarantee when the loan is disbursed as the government's loss on the transaction. FCRA requires that for a direct loan, the government's loss is the difference between the value of the cash disbursed and the loan asset acquired, where the latter is valued as the present value of expected repayments of principal, interest and fees discounted at low-risk (Treasury) rates rather than rates applied in the market to risky cash flows. The loss on loan guarantees is calculated similarly in that the government's expected net payments to honor its commitment are also discounted as though they were Treasury bonds.

The use of Treasury interest rates to value risky future cash flows means that a risky loan is assigned an FCRA budget value greater than its market value. Thus the FCRA budget cost of a federal loan or guarantee is less than the cost incurred by private lenders or guarantors. This is because people are risk-averse and require compensation—in the form of higher expected investment returns—on investments that expose them to risks that cannot be avoided by holding a diversified portfolio or buying insurance. In particular, they are averse to "market risk," which is the risk that low investment returns will coincide with periods during which the overall economy is weak, and resources are the most valuable. The government effectively transfers to the public the market risk associated with its activities through the tax and transfer system. The CBPP example involving a coin toss does not illustrate this line of reasoning because it involves a risk that is easily diversifiable by both individuals and the government.

Market risk also affects the price of non-financial assets purchased by the government, and those costs are reflected in the budget. For example, the cash price of a navy ship includes a return to the capital used in its production. The expected return built into the ship's price depends on the risk premium associated with ship-building. From that perspective, the CBPP characterization that the proposal will "add a further amount to reflect private-sector risk aversion" is misleading. It is more accurate to say that incorporating a market risk premium into FCRA estimates would make them more comparable to cash estimates, which already reflect the full market price of the associated risk.

Fair value estimates of the value of federal direct loans and guarantees include the cost of market risk. Effectively, they use the same estimates of uncertain future cash flows as FCRA estimates (assuming those projections are as accurate as possible), but they use market discount rates (or "risk-adjusted" discount rates) in place of Treasury rates for discounting. Risk-adjusted discount rates can be represented as the sum of a Treasury rate and a risk premium.

One implication of the meaning of fair value is that, contrary to CBPP's view, discounting expected cash flows (net of expected default losses) does not double count those losses. If the expected net losses are

certain, then the expected cash flows are certain and the fair market value is obtained by discounting at risk-free rates. This is rare. Otherwise, net expected cash flows must be discounted at rates appropriate to the market risk of the cash flows to obtain fair market values.

"FLAWS" OF THE FAIR VALUE APPROACH

CBPP gives a list of reasons why the fair value proposal is thought to be flawed. The first is that government may be less risk averse than individuals. The authors offer several reasons why that might be the case, and point to the government's ability to borrow at low Treasury rates. Those arguments have several shortcomings:

The idea that low Treasury borrowing rates are a reason for the government to be less concerned about risk neglects that Treasury rates are only low because bondholders are protected from risk by taxpayers, who must absorb the market risk associated with the government's activities. For example, when a risky loan has insufficient returns to repay the Treasury debt that notionally is used to fund it, taxes must be raised or other spending cut. Under FCRA accounting, that risk to taxpayers is treated as being free to the government.

In fact, the government could be more risk averse than individuals rather than less risk averse. For example, the government may be more concerned about the risks of global warming than is reflected in market prices because it puts more weight on the welfare of future generations.

In practice, adjusting budgetary costs based on conjectures about the government's preferences would undermine the discipline and transparency of the budget process.

The second alleged flaw is that risk aversion is not a budgetary cost. As discussed already, a consistent basis for measuring budgetary cost is to use market prices, which are affected by risk aversion and by the preferences of people generally. Further, as noted, that government does not write checks for the market risk of direct loans and guarantees is not dispositive of the appropriate treatment of an activity.

A further criticism is that the proposal does not treat all programs the same. Specifically, it raises the concern that the change would make credit programs appear more expensive to Treasury than other programs. The opposite is generally true: cash basis estimates incorporate the price of the associated market risk because they are accounted for at market prices, whereas FCRA estimates are relatively downward biased. In any case, the examples given suggest a misunderstanding of the type of risks that would be incorporated into fair value estimates. For instance, the paper notes the uncertainty associated with the future costs of many programs, including Medicare, and points out that no adjustment is made for the cost of that uncertainty. However, the same type of uncertainty exists for credit programs, and the risk adjustment associated with a fair value approach does not address those sources of uncertainty:

First, future Medicare costs do not affect the current year budget deficit because those programs are budgeted for on a cash basis, not on an accrual basis. The budget enables policymakers to compare the cost of current-year spending on Medicare with the estimated lifetime cost of new current-year credit assistance. Measuring the cost of new current-year credit assistance on a fair value basis makes it more comparable to current-year Medicare expenditures, which reflect the market prices of doctor salaries, hospital, and medical equipment.

Just as with future Medicare expenditures, the volume and cost of new future-year credit assistance from ongoing programs is uncertain. However, that dimension of uncertainty does not figure into fair value calculations (or into FCRA estimates).

To the contrary, a problem with FCRA accounting is that it treats different credit programs as too much the same. That is, some credit programs expose taxpayers to much more market risk than others, but FCRA accounting does not recognize those differential costs between credit programs.

CBPP both endorses FCRA accrual accounting and criticizes an accounting practice necessitated by the uses of accruals in a mostly cash-basis budget, described in the release as “phantom offsets.” Under FCRA, direct loans cause the government’s cash shortfall (and hence its need to issue additional debt) to be higher initially than the reported deficit in the year the loan is made. That is because the loan principal paid out (not included in the deficit) is generally much larger than the recorded subsidy cost (included in the deficit). Similarly recognizing the time value of money in federal credit transactions requires adjustments to the cash deficit. Loan guarantees also necessitate “phantom offsets” to reconcile the cash deficit with the expected cost of loan defaults which are included in the deficit when guaranteed loans are disbursed. Furthermore, accruals involve uncertain future cash flows, and subsequent adjustments (FCRA refers to them as “re-estimates”) are always needed to reconcile accrual projections with cash realizations. However, there are multiple account structures that would achieve the comprehensive up front recognition of the lifetime cost of new credit assistance and reconcile those costs with Treasury’s cash borrowing requirements.

In conclusion, there appears to be general agreement that the primary purposes of budgeting are better served if the budget is supported by an accounting process that measures the public resources devoted to an activity comprehensively, comparably across programs, and up-front at the time of decision. By that standard, the use of fair values for direct loans and loan guarantees in the budget would unambiguously improve federal budgetary accounting.

With that, I yield 2 minutes to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. Madam Chairman, today I rise in support of H.R. 3581, the Budget and Accounting Transparency Act.

The first step in treating an addiction is admitting you have a problem. An addict has to be honest with himself before he can overcome his dependence. In that same vein, Washington needs to be honest about its addiction to overspending, and this bill will force Washington to do just that. It will force Washington to be honest, not only with itself but, more importantly, with the American people.

By bringing Fannie and Freddie on budget, Washington will be honest that these expensive programs have become the financial responsibility of the Federal Government. By requiring risk to be assessed and accounted for in loans or loan guarantees, Washington will be honest about the gains or losses taxpayers can anticipate. And by requiring every agency to post their budget requests online, Washington will have to be honest with the American taxpayers about where their money goes.

A lot of honesty is needed now, Madam Chairman, but a little bit will go a long way in restoring the trust of the American people and the fiscal discipline of Washington.

Can we restore the trust of the American people? Yes, we can. Can we restore fiscal discipline in Washington? Yes, we can. Yes, we will, with passage of this bill.

Mr. VAN HOLLEN. Madam Chair, I yield myself such time as I may consume.

I was actually reading from the original document, “Reforming Credit Reform,” by Marvin Phaup and Deborah Lucas, where they say straight-out here that including a risk premium in subsidy costs produces a cost estimate that, on average, exceeds outlays for realized losses.

Now, we can argue whether that’s an appropriate methodology or not. But the reality is it will, as a budgetary matter, systematically inflate the cash outlays for different credit programs going forward.

I reserve the balance of my time.

Mr. GARRETT. I would advise my colleague from Maryland that we have no further speakers.

Mr. VAN HOLLEN. Madam Chair, again, I wish we were here debating the President’s jobs plan. I wish we were focused on bringing to the floor the conference committee report so that we could provide relief to 160 million Americans through the payroll tax cut.

With respect to the budget bill before us, as I indicated, it’s just not ready for prime time. You would think that before undertaking a change which seems small, is very complicated, and could have lots of unintended consequences, especially with respect to things like student loans—as I’ve said, if we were confining this debate and this bill to things like Fannie Mae and Freddie Mac, I have no problem. In fact, the Congressional Budget Office already applies this methodology to Fannie Mae and Freddie Mac. But the scope of this is much, much broader than that. It goes, as I said, to all credit programs, including student loan programs, and will, as a matter of accounting, show in the budget greater dollar outlays than will actually reflect the ongoing costs of things like student loans, again, in a systematic way.

The last point I want to make, Madam Chair, is one that was raised by one of my colleagues, which is: Where do you actually draw the line when it comes to moving in the direction of this other kind of accounting?

Now, this bill applies to all credit programs, but there are other programs funded by the Federal Government where the costs rise and fall based on what’s happening in the market, based on what’s happening in the economy. There are lots of programs that rise and fall based on what’s happening in the economy. Medicaid is a program whose costs rise and fall based on the economy. And in talking to lots

of people, it’s not clear where you draw a bright line, and I certainly don’t know where the argument ends with respect to moving toward this kind of accounting. Before we begin to move even further in this direction, I think we should have a debate on what exactly that would mean for our budget and for the American people.

Again, I commend the gentleman for raising an issue, especially as it’s been in the context of Fannie Mae and Freddie Mac. I think this deserves a lot more attention before you expand it throughout all the credit programs of the United States Government. I’m particularly concerned the impact it would have on the affordability of going to college and student loans. And then, as I said, there’s no clear demarcation between credit programs and the argument that’s being applied here and to some of the other programs where the risk to the taxpayer also fluctuates based on market risk and the performance of the economy.

Madam Chair, I would urge my colleagues to oppose this legislation.

I yield back the balance of my time.

Mr. GARRETT. I yield myself such time as I may consume.

And again, I’ll say to the gentleman as well, as your colleague did as well, commended us for raising this important issue, and I do agree that it is an important issue. But I think the American public is tired of Washington simply raising important issues and discussing important issues and having committee hearings on important issues. I think the American public is looking for Washington, once and for all, to take some decisive action in the name of the American public, in the name of the hardworking taxpayers whose money it is that is on the line. It is the people’s money that we are talking about in all of these bills. It is the people’s money that has been put on the line when the Federal Government issues loans and loan guarantees.

And I want to remind the gentleman from Maryland of how much money we’ve been talking about in all these things. When we talk about all the bailouts that the American public stood and railed against, rightfully so, as did I, whether it was the oil bailouts or the bank bailouts or the Wall Street bailouts, they all pale in comparison to the bailouts that we’re talking about here with the GSEs, \$186 billion and counting. The gentleman, Mr. RYAN, raised the issue before that, I believe, it was going to go up to \$280, \$290 billion and counting.

That’s not Washington’s money or the government’s money or the gentleman from Maryland’s money. That’s the hardworking American taxpayers’ money that was initially put at risk without any idea what the real risk was going to be for all these other loan programs and now is going out as outlays.

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Now it is going out without any prospect whatsoever of being repaid. The

gentleman says these exceed these estimates of fair value accounting, and they exceed outlays. Well, they exceed it until they don't. They exceed it until the loan fails. They exceed it until you're talking about a Solyndra situation where you guarantee over \$500 million, and then the company goes bust. That's what we're trying to address here, to make sure that you're actually properly grading and accounting for this. We're not asking for something extraordinary.

I know the gentleman from New Jersey came to the floor and he said this is extreme, what we are asking for here. Extreme? Why do we ask the private sector to use this same sort of accounting? Why do we ask the mom-and-pop shops, the big Wall Street firms, and everything in between to use this sort of accounting when they do so? When you ask for a student loan, a car loan, a house loan, whatever, we ask local banks to use this same form of accounting. If it is good enough for the rest of society, if it is good enough for all of my constituents and your constituents, if it is good enough for all of the businesses back at home, I think it's good enough for the Federal Government to play by the same rules. That's all we're asking for here.

He says, how far should we go? I think we should go as far as to say that the Federal Government should have to do the exact same thing, play by the exact same rules that our businesses back at home have to do. That's all this bill does. It shines the light of day on what we're spending, and if we are spending too much, then we have to do what we are elected to do: set priorities, decide where we want to spend it on this program or that program, or maybe cut back on this program and expand someplace else. But we can't make those decisions until we actually have the information before us. We can't say this one is working and this one is not working, this one is worthwhile and this one is not worthwhile until we actually have that information before us. That's the long and short of it. That's all this bill does. It gives both sides of the aisle and the American public that information.

With that, I would call for support of this legislation of sunshine and accountability and transparency in the way the Federal Government runs their business.

I yield back the balance of my time.

Mr. GARRETT. Madam Chair, I would first like to thank Chairman RYAN and the Budget Committee staff for their hard work on H.R. 3581, the Budget and Accounting Transparency Act.

Unless you've been living on Mars the last year, it should not come as a surprise to hear that our country is broke. However, what should surprise you is that the true extent of our country's debt crisis is a lot worse than anyone in Washington is letting on.

How much worse? That's the thing, nobody knows; and we won't ever know until we reform the broken budget process in Washington, DC.

As many have talked about before, our budget process is broken. Simply put, we need to make the budget process more transparent.

Fortunately, today we are taking a step in the right direction with H.R. 3581, the Budget and Accounting Transparency Act of 2011. I introduced this bill in December, along with Chairman RYAN, as part of a comprehensive set of reforms to overhaul Washington's broken budget process.

The bill before the House today—the Budget and Accounting Transparency Act—is a common-sense attempt to introduce more “sunshine” and “common sense” into our budget process.

What would this legislation do?

Specifically, this bill recognizes the budgetary impact of government-sponsored enterprises Fannie Mae and Freddie Mac by bringing these black holes of debt out from the shadows into the sunshine and on-budget.

This bill also requires that the federal government apply the same credit accounting standards as the private sector when making or guaranteeing loans.

In September 2008, as the country was reeling from the fallout from the financial collapse, Fannie and Freddie were placed into conservatorship by the Federal Housing Finance Agency (FHFA).

Under this agreement, FHFA took control of the two companies and the Treasury Department risked hundreds of billions of taxpayer dollars to bail out the government-backed mortgage twins.

To date, the American taxpayers have sunk over \$183 billion and counting into these failed institutions. As if this weren't enough, Fannie and Freddie have also issued more than \$1.2 trillion in debt and hold or guarantee about \$5.3 trillion in mortgage-backed securities (MBS).

Because Fannie and Freddie have become the explicit financial responsibility of the federal government, it only makes sense that we treat them the same as we would any other obligation of the federal government by formally bringing them on-budget.

The non-partisan Congressional Budget Office took this step several years ago, but the Office of Management and Budget has resisted the change preferring to obscure the total federal exposure to Fannie Mae and Freddie Mac.

It's time the Obama administration did the same.

Bringing Fannie and Freddie on-budget exposes some ugly and inconvenient truths. But I know the American people did not send us here to play a shell game with taxpayer dollars.

The combined debt obligation of Fannie and Freddie isn't the only black cloud hanging over us; inaccuracies and a lack of transparency in budgeting for federal credit programs also loom large.

Take the case of Solyndra, for example—the poster child of government loans gone bad. As we saw with the Obama administration's \$527 million “investment” into the solar energy company, when Washington makes a bad bet, it's the American taxpayers left holding the bag.

Federal loan loan guarantees are contractual obligations between the taxpayer, private creditors and a borrower such as Solyndra.

Loan guarantees are a promise by the American taxpayer that they will cover the bor-

rower's loan in the event that the borrower defaults. If the American taxpayer is on the hook for default, shouldn't we have a better idea of the cost of the loan in the first place?

Unfortunately, under current law, when the government issues a loan or loan guarantee, the inherent riskiness of that loan is not reflected in the loan or loan guarantee's cost.

In fact, the non-partisan Congressional Budget Office estimates that our current federal accounting rules understate the cost of credit programs by some \$55 billion a year, because the rules do not account for market risk.

Why shouldn't Washington play by the same rules that every American family and business must play by when taking out a loan?

The Budget and Accounting Transparency Act fixes this shortcoming by requiring market risk to be explicitly included in estimates of federal credit programs, bringing federal budgeting practices in line with what's long been standard practice in the private sector.

Specifically, it requires the executive branch and Congress to use “fair value” accounting in calculating the costs of federal credit programs that consider not only the borrowing costs of the federal government, but also the costs of the market risk the federal government is incurring by issuing a loan or loan guarantee.

Accounting for market risk is the key—your local banker does it every time you apply for a home or auto loan. The federal government should be doing the same.

In fact, during the House Budget Committee's consideration of this legislation, the director of the non-partisan Congressional Budget Office stated:

“We believe that the fair-value method of accounting for federal credit transactions provides a more comprehensive measure of a [program's] true cost.”

While the Budget and Accounting Transparency Act won't prevent future presidents from making similarly risky bets, at least it will force them to be honest with the American people about the true upfront cost of their boondoggles.

Lastly, the legislation before us today increases the amount and timeliness of information on agency budget requests, requiring that these budget justifications be provided to the public when they are sent to Congress.

It's the people's money and they ought to know what agencies are planning to do with it.

These provisions would go a long way to fixing our broken budget process and bring much-needed transparency to the way Congress functions.

For too many years, Washington has played by a “special” set of rules.

With mounting debt and lackluster job growth, it's time to force government to play by the same economic rules as every American family and business.

For too long, we have not been honest with the American people about the cost of government. If we truly are committed to reversing our country's race towards bankruptcy, as we say we are, we need to be honest with ourselves and the American people about the true cost of government.

Today, I say we put our words to action by bringing sunlight and transparency back into our budgeting process.

Mr. DUNCAN of South Carolina. Madam Chair, I rise today to support H.R. 3581, which will bring better accountability and transparency to our budget process.

I would also note, Madam Chair, that many loan programs that are impacted by this legislation have an excellent history of loan repayment, most notably the Rural Utilities Service loans that electric co-ops like the ones in my district have used for years. Some of these loan programs have provided a positive return on the taxpayers investments, making more for the taxpayers than was at risk while allowing rural co-ops the ability to expand services in underserved areas. I hope that while we achieve much greater accountability and transparency for taxpayers as a result of this legislation, especially as it relates to Freddie and Fannie, we ensure that we don't throw the baby out with the bath water and hurt our rural utilities and their customers.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee print 112-13. That amendment in the nature of a substitute shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 3581

*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 "Budget and Accounting Transparency Act of 2012".

#### **TITLE I—FAIR VALUE ESTIMATES**

##### **SEC. 101. CREDIT REFORM.**

(a) IN GENERAL.—Title V of the Congressional Budget Act of 1974 is amended to read as follows:

#### **"TITLE V—FAIR VALUE**

##### **"SEC. 501. PURPOSES.**

"The purposes of this title are to—

"(1) measure more accurately the costs of Federal credit programs by accounting for them on a fair value basis;

"(2) place the cost of credit programs on a budgetary basis equivalent to other Federal spending;

"(3) encourage the delivery of benefits in the form most appropriate to the needs of beneficiaries; and

"(4) improve the allocation of resources among Federal programs.

##### **"SEC. 502. DEFINITIONS.**

"For purposes of this title:

"(1) The term 'direct loan' means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a Government asset on credit terms. The term does not include the acquisition of a federally guaranteed loan in satisfaction of default claims or the price support loans of the Commodity Credit Corporation.

"(2) The term 'direct loan obligation' means a binding agreement by a Federal agency to make a direct loan when specified conditions are fulfilled by the borrower.

"(3) The term 'loan guarantee' means any guarantee, insurance, or other pledge with re-

spect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

"(4) The term 'loan guarantee commitment' means a binding agreement by a Federal agency to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

"(5)(A) The term 'cost' means the sum of the Treasury discounting component and the risk component of a direct loan or loan guarantee, or a modification thereof.

"(B) The Treasury discounting component shall be the estimated long-term cost to the Government of a direct loan or loan guarantee, or modification thereof, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

"(C) The risk component shall be an amount equal to the difference between—

"(i) the estimated long-term cost to the Government of a direct loan or loan guarantee, or modification thereof, estimated on a fair value basis, applying the guidelines set forth by the Financial Accounting Standards Board in Financial Accounting Standards #157, or a successor thereto, excluding administrative costs and any incidental effects on governmental receipts or outlays; and

"(ii) the Treasury discounting component of such direct loan or loan guarantee, or modification thereof.

"(D) The Treasury discounting component of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following estimated cash flows:

"(i) Loan disbursements.

"(ii) Repayments of principal.

"(iii) Essential preservation expenses, payments of interest and other payments by or to the Government over the life of the loan after adjusting for estimated defaults, prepayments, fees, penalties, and other recoveries, including the effects of changes in loan terms resulting from the exercise by the borrower of an option included in the loan contract.

"(E) The Treasury discounting component of a loan guarantee shall be the net present value, at the time when the guaranteed loan is disbursed, of the following estimated cash flows:

"(i) Payments by the Government to cover defaults and delinquencies, interest subsidies, essential preservation expenses, or other payments.

"(ii) Payments to the Government including origination and other fees, penalties, and recoveries, including the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee contract, or by the borrower of an option included in the guaranteed loan contract.

"(F) The cost of a modification is the sum of—

"(i) the difference between the current estimate of the Treasury discounting component of the remaining cash flows under the terms of a direct loan or loan guarantee and the current estimate of the Treasury discounting component of the remaining cash flows under the terms of the contract, as modified; and

"(ii) the difference between the current estimate of the risk component of the remaining cash flows under the terms of a direct loan or loan guarantee and the current estimate of the risk component of the remaining cash flows under the terms of the contract as modified.

"(G) In estimating Treasury discounting components, the discount rate shall be the average interest rate on marketable Treasury securities of similar duration to the cash flows of the direct loan or loan guarantee for which the estimate is being made.

"(H) When funds are obligated for a direct loan or loan guarantee, the estimated cost shall be based on the current assumptions, adjusted

to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

"(6) The term 'program account' means the budget account into which an appropriation to cover the cost of a direct loan or loan guarantee program is made and from which such cost is disbursed to the financing account.

"(7) The term 'financing account' means the nonbudget account or accounts associated with each program account which holds balances, receives the cost payment from the program account, and also includes all other cash flows to and from the Government resulting from direct loan obligations or loan guarantee commitments made on or after October 1, 1991.

"(8) The term 'liquidating account' means the budget account that includes all cash flows to and from the Government resulting from direct loan obligations or loan guarantee commitments made prior to October 1, 1991. These accounts shall be shown in the budget on a cash basis.

"(9) The term 'modification' means any Government action that alters the estimated cost of an outstanding direct loan (or direct loan obligation) or an outstanding loan guarantee (or loan guarantee commitment) from the current estimate of cash flows. This includes the sale of loan assets, with or without recourse, and the purchase of guaranteed loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) such as a change in collection procedures.

"(10) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(11) The term 'Director' means the Director of the Office of Management and Budget.

"(12) The term 'administrative costs' means costs related to program management activities, but does not include essential preservation expenses.

"(13) The term 'essential preservation expenses' means servicing and other costs that are essential to preserve the value of loan assets or collateral.

#### **"SEC. 503. OMB AND CBO ANALYSIS, COORDINATION, AND REVIEW.**

"(a) IN GENERAL.—For the executive branch, the Director shall be responsible for coordinating the estimates required by this title. The Director shall consult with the agencies that administer direct loan or loan guarantee programs.

"(b) DELEGATION.—The Director may delegate to agencies authority to make estimates of costs. The delegation of authority shall be based upon written guidelines, regulations, or criteria consistent with the definitions in this title.

"(c) COORDINATION WITH THE CONGRESSIONAL BUDGET OFFICE.—In developing estimation guidelines, regulations, or criteria to be used by Federal agencies, the Director shall consult with the Director of the Congressional Budget Office.

"(d) IMPROVING COST ESTIMATES.—The Director and the Director of the Congressional Budget Office shall coordinate the development of more accurate data on historical performance and prospective risk of direct loan and loan guarantee programs. They shall annually review the performance of outstanding direct loans and loan guarantees to improve estimates of costs. The Office of Management and Budget and the Congressional Budget Office shall have access to all agency data that may facilitate the development and improvement of estimates of costs.

"(e) HISTORICAL CREDIT PROGRAMS COSTS.—The Director shall review, to the extent possible, historical data and develop the best possible estimates of adjustments that would convert aggregate historical budget data to credit reform accounting.

#### **"SEC. 504. BUDGETARY TREATMENT.**

"(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 1992, the President's budget shall reflect the Treasury discounting component of direct loan and loan guarantee programs. Beginning with fiscal year 2015, the President's budget shall reflect the costs of direct loan and loan



guarantee programs. The budget shall also include the planned level of new direct loan obligations or loan guarantee commitments associated with each appropriations request.

“(b) APPROPRIATIONS REQUIRED.—Notwithstanding any other provision of law, new direct loan obligations may be incurred and new loan guarantee commitments may be made for fiscal year 1992 and thereafter only to the extent that—

“(1) new budget authority to cover their costs is provided in advance in an appropriation Act;

“(2) a limitation on the use of funds otherwise available for the cost of a direct loan or loan guarantee program has been provided in advance in an appropriation Act; or

“(3) authority is otherwise provided in appropriation Acts.

“(c) EXEMPTION FOR DIRECT SPENDING PROGRAMS.—Subsections (b) and (e) shall not apply to—

“(1) any direct loan or loan guarantee program that constitutes an entitlement (such as the guaranteed student loan program or the veteran's home loan guaranty program);

“(2) the credit programs of the Commodity Credit Corporation existing on the date of enactment of this title; or

“(3) any direct loan (or direct loan obligation) or loan guarantee (or loan guarantee commitment) made by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation.

“(d) BUDGET ACCOUNTING.—

“(1) The authority to incur new direct loan obligations, make new loan guarantee commitments, or modify outstanding direct loans (or direct loan obligations) or loan guarantees (or loan guarantee commitments) shall constitute new budget authority in an amount equal to the cost of the direct loan or loan guarantee in the fiscal year in which definite authority becomes available or indefinite authority is used. Such budget authority shall constitute an obligation of the program account to pay to the financing account.

“(2) The outlays resulting from new budget authority for the cost of direct loans or loan guarantees described in paragraph (1) shall be paid from the program account into the financing account and recorded in the fiscal year in which the direct loan or the guaranteed loan is disbursed or its costs altered.

“(3) All collections and payments of the financing accounts shall be a means of financing.

“(e) MODIFICATIONS.—An outstanding direct loan (or direct loan obligation) or loan guarantee (or loan guarantee commitment) shall not be modified in a manner that increases its costs unless budget authority for the additional cost has been provided in advance in an appropriation Act.

“(f) REESTIMATES.—When the estimated cost for a group of direct loans or loan guarantees for a given program made in a single fiscal year is re-estimated in a subsequent year, the difference between the reestimated cost and the previous cost estimate shall be displayed as a distinct and separately identified subaccount in the program account as a change in program costs and a change in net interest. There is hereby provided permanent indefinite authority for these re-estimates.

“(g) ADMINISTRATIVE EXPENSES.—All funding for an agency's administrative costs associated with a direct loan or loan guarantee program shall be displayed as distinct and separately identified subaccounts within the same budget account as the program's cost.

#### “SEC. 505. AUTHORIZATIONS.

“(a) AUTHORIZATION FOR FINANCING ACCOUNTS.—In order to implement the accounting required by this title, the President is authorized to establish such non-budgetary accounts as may be appropriate.

“(b) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—

“(1) IN GENERAL.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay to the financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described in the preceding sentence, except that the rate of interest charged by the Secretary on lending to financing accounts (including amounts treated as lending to financing accounts by the Federal Financing Bank (hereinafter in this subsection referred to as the ‘Bank’) pursuant to section 405(b)) and the rate of interest paid to financing accounts on uninvested balances in financing accounts shall be the same as the rate determined pursuant to section 502(5)(G).

“(2) LOANS.—For guaranteed loans financed by the Bank and treated as direct loans by a Federal agency pursuant to section 406(b)(1), any fee or interest surcharge (the amount by which the interest rate charged exceeds the rate determined pursuant to section 502(5)(G)) that the Bank charges to a private borrower pursuant to section 6(c) of the Federal Financing Bank Act of 1973 shall be considered a cash flow to the Government for the purposes of determining the cost of the direct loan pursuant to section 502(5). All such amounts shall be credited to the appropriate financing account.

“(3) REIMBURSEMENT.—The Bank is authorized to require reimbursement from a Federal agency to cover the administrative expenses of the Bank that are attributable to the direct loans financed for that agency. All such payments by an agency shall be considered administrative expenses subject to section 504(g). This subsection shall apply to transactions related to direct loan obligations or loan guarantee commitments made on or after October 1, 1991.

“(4) AUTHORITY.—The authorities provided in this subsection shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate a direct loan or loan guarantee program.

“(5) TITLE 31.—All of the transactions provided in the subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code.

“(6) TREATMENT OF CASH BALANCES.—Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds. The Secretary of the Treasury shall charge (or pay if the amount is negative) financing accounts an amount equal to the risk component for a direct loan or loan guarantee, or modification thereof. Such amount received by the Secretary of the Treasury shall be a means of financing and shall not be considered a cash flow of the Government for the purposes of section 502(5).

“(c) AUTHORIZATION FOR LIQUIDATING ACCOUNTS.—(1) Amounts in liquidating accounts shall be available only for payments resulting from direct loan obligations or loan guarantee commitments made prior to October 1, 1991, for—

“(A) interest payments and principal repayments to the Treasury or the Federal Financing Bank for amounts borrowed;

“(B) disbursements of loans;

“(C) default and other guarantee claim payments;

“(D) interest supplement payments;

“(E) payments for the costs of foreclosing, managing, and selling collateral that are capitalized or routinely deducted from the proceeds of sales;

“(F) payments to financing accounts when required for modifications;

“(G) administrative costs and essential preservation expenses, if—

“(i) amounts credited to the liquidating account would have been available for administrative costs and essential preservation expenses under a provision of law in effect prior to October 1, 1991; and

“(ii) no direct loan obligation or loan guarantee commitment has been made, or any modification of a direct loan or loan guarantee has been made, since September 30, 1991; or

“(H) such other payments as are necessary for the liquidation of such direct loan obligations and loan guarantee commitments.

“(2) Amounts credited to liquidating accounts in any year shall be available only for payments required in that year. Any unobligated balances in liquidating accounts at the end of a fiscal year shall be transferred to miscellaneous receipts as soon as practicable after the end of the fiscal year.

“(3) If funds in liquidating accounts are insufficient to satisfy obligations and commitments of such accounts, there is hereby provided permanent, indefinite authority to make any payments required to be made on such obligations and commitments.

“(d) REINSURANCE.—Nothing in this title shall be construed as authorizing or requiring the purchase of insurance or reinsurance on a direct loan or loan guarantee from private insurers. If any such reinsurance for a direct loan or loan guarantee is authorized, the cost of such insurance and any recoveries to the Government shall be included in the calculation of the cost.

“(e) ELIGIBILITY AND ASSISTANCE.—Nothing in this title shall be construed to change the authority or the responsibility of a Federal agency to determine the terms and conditions of eligibility for, or the amount of assistance provided by a direct loan or a loan guarantee.

#### “SEC. 506. TREATMENT OF DEPOSIT INSURANCE AND AGENCIES AND OTHER INSURANCE PROGRAMS.

“This title shall not apply to the credit or insurance activities of the Federal Deposit Insurance Corporation, National Credit Union Administration, Resolution Trust Corporation, Pension Benefit Guaranty Corporation, National Flood Insurance, National Insurance Development Fund, Crop Insurance, or Tennessee Valley Authority.

#### “SEC. 507. EFFECT ON OTHER LAWS.

“(a) EFFECT ON OTHER LAWS.—This title shall supersede, modify, or repeal any provision of law enacted prior to the date of enactment of this title to the extent such provision is inconsistent with this title. Nothing in this title shall be construed to establish a credit limitation on any Federal loan or loan guarantee program.

“(b) CREDITING OF COLLECTIONS.—Collections resulting from direct loans obligated or loan guarantees committed prior to October 1, 1991, shall be credited to the liquidating accounts of Federal agencies. Amounts so credited shall be available, to the same extent that they were available prior to the date of enactment of this title, to liquidate obligations arising from such direct loans obligated or loan guarantees committed prior to October 1, 1991, including repayment of any obligations held by the Secretary of the Treasury or the Federal Financing Bank. The unobligated balances of such accounts that are in excess of current needs shall be transferred to the general fund of the Treasury. Such transfers shall be made from time to time but, at least once each year.”.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the items relating to title V and inserting the following:

#### “TITLE V—FAIR VALUE

“Sec. 501. Purposes.

“Sec. 502. Definitions.

“Sec. 503. OMB and CBO analysis, coordination, and review.

“Sec. 504. Budgetary treatment.

“Sec. 505. Authorizations.

“Sec. 506. Treatment of deposit insurance and agencies and other insurance programs.

“Sec. 507. Effect on other laws.”.

#### SEC. 102. EFFECTIVE DATE.

The amendment made by section 101 shall take effect beginning with fiscal year 2014.



**SEC. 103. BUDGETARY ADJUSTMENT.**

(a) *IN GENERAL.*—Section 251(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: “A change in discretionary spending solely as a result of the amendment to title V of the Congressional Budget Act of 1974 made by the Budget and Accounting Transparency Act of 2012 shall be treated as a change of concept under this paragraph.”.

(b) *REPORT.*—Before adjusting the discretionary caps pursuant to the authority provided in subsection (a), the Office of Management and Budget shall report to the Committees on the Budget of the House of Representatives and the Senate on the amount of that adjustment, the methodology used in determining the size of that adjustment, and a program-by-program itemization of the components of that adjustment.

(c) *SCHEDULE.*—The Office of Management and Budget shall not make an adjustment pursuant to the authority provided in subsection (a) sooner than 60 days after providing the report required in subsection (b).

**TITLE II—BUDGETARY TREATMENT****SEC. 201. CBO AND OMB STUDIES RESPECTING BUDGETING FOR COSTS OF FEDERAL INSURANCE PROGRAMS.**

Not later than one year after the date of enactment of this Act, the Directors of the Congressional Budget Office and of the Office of Management and Budget shall each prepare a study and make recommendations to the Committees on the Budget of the House of Representatives and the Senate as to the feasibility of applying fair value concepts to budgeting for the costs of Federal insurance programs.

**SEC. 202. ON-BUDGET STATUS OF FANNIE MAE AND FREDDIE MAC.**

Notwithstanding any other provision of law, the receipts and disbursements, including the administrative expenses, of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall be counted as new budget authority, outlays, receipts, or deficit or surplus for purposes of—

- (1) the budget of the United States Government as submitted by the President;
- (2) the congressional budget; and
- (3) the Balanced Budget and Emergency Deficit Control Act of 1985.

**SEC. 203. EFFECTIVE DATE.**

Section 202 shall not apply with respect to an enterprise (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) after the date that all of the following have occurred:

- (1) The conservatorship for such enterprise under section 1367 of such Act (12 U.S.C. 4617) has been terminated.
- (2) The Director of the Federal Housing Finance Agency has certified in writing that such enterprise has repaid to the Federal Government the maximum amount consistent with minimizing total cost to the Federal Government of the financial assistance provided to the enterprise by the Federal Government pursuant to the amendments made by section 1117 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289; 122 Stat. 2683) or otherwise.
- (3) The charter for the enterprise has been revoked, annulled, or terminated and the authorizing statute (as such term is defined in such section 1303) with respect to the enterprise has been repealed.

**TITLE III—BUDGET REVIEW AND ANALYSIS****SEC. 301. CBO AND OMB REVIEW AND RECOMMENDATIONS RESPECTING RECEIPTS AND COLLECTIONS.**

Not later than one year after the date of enactment of this Act, the Director of the Office of Management and Budget shall prepare a study

of the history of offsetting collections against expenditures and the amount of receipts collected annually, the historical application of the budgetary terms “revenue”, “offsetting collections”, and “offsetting receipts”, and review the application of those terms and make recommendations to the Committees on the Budget of the House of Representatives and the Senate of whether such usage should be continued or modified. The Director of the Congressional Budget Office shall review the history and recommendations prepared by the Director of the Office of Management and Budget and shall submit comments and recommendations to such Committees.

**SEC. 302. AGENCY BUDGET JUSTIFICATIONS.**

Section 1108 of title 31, United States Code, is amended by inserting at the end the following new subsection:

“(h)(1) Whenever any agency prepares and submits written budget justification materials for any committee of the House of Representatives or the Senate, such agency shall post such budget justification on the same day of such submission on the ‘open’ page of the public website of the agency, and the Office of Management and Budget shall post such budget justification in a centralized location on its website, in the format developed under paragraph (2).

“(2) The Office of Management and Budget, in consultation with the Congressional Budget Office and the Government Accountability Office, shall develop and notify each agency of the format in which to post a budget justification under paragraph (1). Such format shall be designed to ensure that posted budget justifications for all agencies—

“(A) are searchable, sortable, and downloadable by the public;

“(B) are consistent with generally accepted standards and practices for machine-discoverability;

“(C) are organized uniformly, in a logical manner that makes clear the contents of a budget justification and relationships between data elements within the budget justification and among similar documents; and

“(D) use uniform identifiers, including for agencies, bureaus, programs, and projects.”.

The CHAIR. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-388. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chair understands that amendment No. 1 will not be offered.

**AMENDMENT NO. 2 OFFERED BY MR. DOLD**

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-388.

Mr. DOLD. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

**TITLE IV—PRESIDENT'S BUDGET SUBMISSION****SEC. 401. PREPARATION OF THE BUDGET.**

(a) *THE PRESIDENT.*—Section 1105(a) of title 31, United States Code, is amended—

(1) by redesignating the second paragraph (37) as paragraph (39); and

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

“(40) A summary of how the use of accrual accounting procedures would affect the estimated expenditures, appropriations, and receipts of the Government in the fiscal year for which the budget is submitted.”.

(b) *OFFICE OF MANAGEMENT AND BUDGET.*—The Director of the Office of Management and Budget shall prepare all of the budgets submitted to the President according to both accrual accounting procedures and the cash basis accounting method.

The CHAIR. Pursuant to House Resolution 539, the gentleman from Illinois (Mr. DOLD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DOLD. Madam Chair, this is a bipartisan amendment, one that my colleague from Illinois (Mr. QUIGLEY) and I believe strongly about.

As part of this Congress' effort to increase transparency and promote sound accounting practices in the Federal Government, this amendment would reform accounting practices at the Office of Management and Budget. Specifically, it would require the OMB Director to prepare all budgets submitted to the President using accrual-based accounting standards, in addition to the currently used cash-basis GAAP accounting standards.

Americans have a right to expect accountability, honesty, and transparency from their government, and right now, the mistrust of Congress, I believe, is at an all-time high. The use of accrual-based accounting at the Office of Management and Budget would provide a more accurate reflection of our Nation's true fiscal state. For too long, the Federal Government has relied on unsound budgeting practices that understate the reality and distort important costs and liabilities held by the government.

As a small business owner, I know essentially how honest accounting is critical to financial decisionmaking, and in that respect, we should strive to make the Federal Government's practices more like what we demand of the private sector. In fact, the government itself, Madam Chairman, demands that publicly traded companies use the accrual-based accounting method because the accrual-based accounting method gives a more accurate depiction of the true liabilities that are out there. In the cash basis, you're able to distort reality and be able to manipulate things to make them look a little bit rosier.

The American people are looking for a fact-based budget, and they deserve no less. They deserve to know the truth about what our true liabilities are, and the truth is that the current practice of using only cash-basis accounting at the Office of Management and Budget

paints an incomplete picture of our Nation's future long-term liabilities. For example, the promise of Social Security and Medicare only shows up as a cost to the American taxpayer when money is actually paid out. Accrual accounting more accurately reflects our Nation's obligations so that a promise today is immediately recognized and accounted for, whether or not any money has been disbursed at that point in time.

Madam Chairman, I am confident that the House Budget Committee recognizes the importance of honest accounting, of honest accounting practices that accurately reflect the true fiscal state of this country. As a small business owner, I understand that it's absolutely critical when making decisions that impact not only the business but the people that I work with that we have a more accurate reflection of our liabilities. The government should be no different.

With that, I would like to yield to the gentleman from New Jersey.

Mr. GARRETT. First of all, let me just begin by saying I appreciate the gentleman's effort with regard to this legislation. I appreciate also the bipartisan nature and intentions behind the amendment as well. There are unquestionably circumstances where accrual accounting is the best way, the most appropriate way to display the Federal Government's budgetary costs and obligations.

Now, as you know, the underlying bill does focus on one such area where accrual accounting has long been in use, and what it does then is to try to build upon those years of experience and try to study the application of that as applied to Federal credit programs.

The underlying bill, I should say as an aside, also includes a study of another area—because I know there's a question of how far are we going in these things—where it might be appropriate to extend this, and this is with regard to the Federal insurance programs. Why is that? Well, it's because we don't have as many studies on that.

I might just add to the point of the gentleman from Maryland before, there have been a number of references on an area that we're looking to. CBO has done some with regard to student loans, with regard to housing, with regard to SBA and energy. CBO has issued a number of reports with fair value accounting included, and that is why we included it in this bill.

Again, I appreciate the gentleman's work on this amendment. I oppose it as it stands now, however.

Mr. DOLD. Reclaiming my time, if the chairman would work with me to try to make sure we have a fact-based, more accurate, and honest accounting, I would be happy to withdraw the amendment.

Mr. GARRETT of New Jersey. Not only will I work with you, I believe the chairman of the full committee will be intentioned to work with you on this as well. The goal is the same by all of

us here, and I think by the other side as well, to try to get as much information that is able to get out to come out, and we will be glad to work with you on this.

Mr. DOLD. With that, Madam Chairman, I ask unanimous consent to withdraw my bipartisan amendment in hopes that we can have some more accurate accounting in the future.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

□ 1540

AMENDMENT NO. 3 OFFERED BY MR. TONKO

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-388.

Mr. TONKO. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following new title:

**TITLE IV—EFFECTIVE DATE;  
ESTABLISHMENT OF COMMISSION**

**SEC. 401. EFFECTIVE DATE; ESTABLISHMENT OF COMMISSION.**

(a) EFFECTIVE DATE; ESTABLISHMENT.—The provisions of this Act are delayed until and may be superseded by the majority recommendations of a six member commission consisting of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget, and four additional non-congressional members each appointed by the Speaker and Minority Leader of the House and the Majority and Minority leaders of the Senate. Such additional four Members shall have expertise in budgeting and accounting.

(b) RECOMMENDATIONS.—The recommendations of the commission shall reflect the best measure to accurately account for the costs of Federal credit programs, including an analysis of the fair value, market-based risk estimates, and the discount rates mandated by the Federal Credit Reform Act of 1990.

(c) CONGRESSIONAL VOTE REQUIRED.—Such recommendations shall take effect upon their enactment into law. Congress shall vote on the recommendations set forth in subsection (b) not later than 45 days after the date of submission of such recommendations to the Congress.

The CHAIR. Pursuant to House Resolution 539, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes gentleman from New York.

Mr. TONKO. Madam Chair, I rise today to offer an amendment to H.R. 3581, the Budget and Accounting Transparency Act.

My amendment restores a critical step that was skipped by my Republican colleagues. You see, we never once had a hearing in the Budget Committee devoted specifically to exploring the main proposal contained in this bill—the use of fair value estimates to determine the cost of Federal loans. If I could change that, I would, but my Republican colleagues have pushed this bill to the floor.

When so many at home look at Congress and shake their heads at the po-

litical gamesmanship that has come to dominate this institution, my amendment simply asks that we take a moment to be objectively smart rather than just politically savvy about a policy decision with major repercussions.

If this legislation took effect this year, CBO estimates that we would see the Federal deficit jump by \$55 billion. This is a bill that would impact things like housing loans, student loans, small business loans, and even our mortgage guarantee programs for vets. It would create the appearance that these loans and loan guarantees cost more with an accounting method that is relatively new and certainly under debate.

For a bill with “transparency” in its title, we're talking about using some pretty mirky math. My Republican colleagues will say that we need CBO estimates on loans to reflect the risk involved in Federal lending. That makes sense, which is why we already do it. The approach under current law already reflects the risk that borrowers will default on their loans or guarantees.

The real difference here is whether we think estimates of Federal loans should be based on how the government borrows and lends or, alternately, on how the private sector borrows and lends. I understand my colleagues have a great esteem for private sector business practices, and as a former small business owner myself, I share that admiration; but we have to understand that the Federal Government of the most powerful country on Earth isn't a private actor.

No private lender is in the same position as the Federal Government with its ability to borrow at Treasury rates and its ability to spread risk across such a broad portfolio. So, understandably, there is significant debate as to whether and how fair value estimates could be applied to government loans. The bottom line is that it would involve a lot of guesswork.

At a time when our housing market has been devastated, when our workforce is struggling to attain the knowledge and skill set it needs in a difficult job market, when small businesses are fighting their way out of the worst recession since our Great Depression, and when our vets are facing a higher jobless rate than the rest of the country, why on Earth would we make a change of this magnitude without consulting with the best budget and accounting minds in our country? The impact of this legislation is too big to be treated more like an election year talking point than a major policy change with very real impacts on the people that we are here to represent.

That is why I am offering this modest proposal. My amendment simply proposes that we convene a commission of budget and accounting experts to provide recommendations to Congress regarding the best measure to accurately account for the costs of Federal credit programs. Congress will then

have the opportunity to vote on the commission's recommendations, and if changes are deemed wise, we can move forward with the smartest course of action and with a policy that brings our Federal loan and loan guarantee estimates into uniformity. After all, as we heard on this very floor, it's the people's money we're dealing with.

I urge my colleagues to look before we jump on this one, and I urge support of my amendment.

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

Mr. GARRETT. I rise in opposition to the amendment.

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

Mr. GARRETT. Madam Chair, in essence, the amendment has the effect, as so many amendments often do that come to the floor, of basically gutting the entire bill.

The core reform made by this bill is to—what?—adopt for all Federal credit programs fair value accounting. Now, this is not a precipitous or rash decision that we're going to make here. The Budget Committee, both with the Republican and Democrat leadership, has, over time, studied and worked on the implications of moving to a fair value accounting for Federal credit programs.

The CBO, which we reference all the time, is an independent arbiter of what is right here and has studied these things, and other academics have conducted studies going back as far as the 1990s, if not earlier, on this question as well. In fact, there was a commission, a commission featuring 36 experts, including six former CBO Directors.

What did they recommend? They recommended moving to a fair value accounting in 2010.

Indeed, it was back in 2009 that this House, under Democrat leadership, voted to require the use of fair value accounting with respect to U.S. commitments made to the IMF, the International Monetary Fund. Additionally, the CBO has conducted analyses of dozens of Federal credit programs on a fair value basis.

So this bill is not precipitous. This bill is not rash. This bill is not extreme. This bill takes a cautious approach and applies fair value budgeting in those areas where we have the most experience while calling for a further study of those areas in which it makes sense to do study—Federal insurance programs.

So I urge my colleagues to oppose this amendment and to support the judicious and experience-based approach of the underlying bill.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

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

Mr. TONKO. Madam Chair, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 238, not voting 8, as follows:

[Roll No. 40]

AYES—187

Ackerman	Gibson
Altmire	Gonzalez
Andrews	Green, Al
Baca	Green, Gene
Baldwin	Grijalva
Bass (CA)	Gutierrez
Becerra	Hahn
Berkley	Hanabusa
Berman	Hastings (FL)
Bishop (GA)	Heinrich
Bishop (NY)	Higgins
Blumenauer	Himes
Bonamici	Hinchee
Boren	Hinojosa
Boswell	Hirono
Brady (PA)	Hochul
Braley (IA)	Holden
Brown (FL)	Holt
Butterfield	Honda
Capps	Hoyer
Capuano	Inslee
Cardoza	Israel
Carnahan	Jackson (IL)
Carney	Jackson Lee
Carson (IN)	(TX)
Castor (FL)	Johnson (GA)
Chandler	Johnson, E. B.
Chu	Kaptur
Cicilline	Keating
Clarke (MI)	Kildee
Clarke (NY)	Kind
Clay	Kissell
Cleaver	Kucinich
Clyburn	Langevin
Cohen	Larsen (WA)
Connolly (VA)	Larson (CT)
Conyers	Lee (CA)
Cooper	Levin
Costa	Lewis (GA)
Costello	Lipinski
Courtney	Loeb sack
Critz	Lofgren, Zoe
Crowley	Lowe y
Cuellar	Lujan
Cummings	Lynch
Davis (CA)	Maloney
Davis (IL)	Markey
DeFazio	Matheson
DeGette	Matsui
DeLauro	McCarthy (NY)
Deutch	McCollum
Dicks	McDermott
Dingell	McGovern
Doggett	McIntyre
Donnelly (IN)	Meeke s
Doyle	Micha el
Engel	Miller (NC)
Eshoo	Miller, George
Farr	Moore
Fattah	Moran
Filner	Murphy (CT)
Frank (MA)	Nadler
Fudge	Napolitano
Garamendi	Neal

NOES—238

Adams	Brooks
Aderholt	Broun (GA)
Akin	Buchanan
Alexander	Bucshon
Amash	Buerkle
Amodei	Burgess
Austria	Burton (IN)
Bachmann	Calvert
Bachus	Camp
Barletta	Campbell
Barrow	Canseco
Bartlett	Cantor
Barton (TX)	Capito
Bass (NH)	Carter
Benishkek	Cassidy
Berg	Chabot
Biggett	Chaffetz
Bilbray	Coble
Bilirakis	Coffman (CO)
Bishop (UT)	Cole
Black	Conaway
Blackburn	Cravaack
Bonner	Crawford
Bono Mack	Crenshaw
Boustany	Culberson
Brady (TX)	Davis (KY)

Gerlach	Lucas	Rogers (MI)
Gibbs	Luetkemeyer	Rohrabacher
Gingrey (GA)	Lummis	Rokita
Gohmert	Lungren, Daniel	Rooney
Goodlatte	E.	Ros-Lehtinen
Gosar	Mack	Roskam
Gowdy	Manzullo	Ross (FL)
Granger	Marchant	Royce
Graves (GA)	Marino	Runyan
Graves (MO)	McCarthy (CA)	Ryan (WI)
Griffin (AR)	McCaul	Scalise
Griffith (VA)	McClintock	Schilling
Grimm	McCotter	Schmidt
Guinta	McHenry	Schock
Guthrie	McKeon	Schweikert
Hall	McKinley	Scott (SC)
Hanna	McMorris	Scott, Austin
Harper	Rodgers	Sensenbrenner
Harris	Meehan	Sessions
Hartzler	Mica	Shimkus
Hastings (WA)	Miller (FL)	Shuster
Hayworth	Miller (MI)	Simpson
Heck	Miller, Gary	Smith (NE)
Hensarling	Murphy (PA)	Smith (NJ)
Herger	Myrick	Smith (TX)
Herrera Beutler	Neugebauer	Southerland
Huelskamp	Noem	Stearns
Huizenga (MI)	Nugent	Stivers
Hultgren	Nunes	Stutzman
Hunter	Nunnelee	Sullivan
Hurt	Olson	Terry
Issa	Palazzo	Thompson (PA)
Jenkins	Paulsen	Thornberry
Johnson (IL)	Pearce	Tiberi
Johnson (OH)	Pence	Tipton
Johnson, Sam	Peterson	Turner (NY)
Jones	Pitts	Turner (OH)
Jordan	Platts	Upton
Kelly	Poe (TX)	Walberg
King (IA)	Pompeo	Walden
King (NY)	Posey	Walsh (IL)
Kingston	Price (GA)	Webster
Kinzinger (IL)	Quayle	West
Kline	Reed	Westmoreland
Labrador	Rehberg	Whitfield
Lamborn	Reichert	Wilson (SC)
Lance	Renacci	Wittman
Landry	Ribble	Wolf
Lankford	Rigell	Womack
Latham	Rivera	Woodall
Latta	Roby	Yoder
Lewis (CA)	Roe (TN)	Young (AK)
LoBiondo	Rogers (AL)	Young (FL)
Long	Rogers (KY)	Young (IN)

NOT VOTING—8

Edwards	McNerney	Paul
Ellison	Mulvaney	Payne
LaTourette	Olver	

□ 1612

Mr. GARY G. MILLER of California changed his vote from "aye" to "no."

Messrs. ALTMIRE, PETRI, COHEN and HINOJOSA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. KLINE). The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOLD) having assumed the chair, Mr. KLINE, 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. 3581) to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, and for other purposes and, pursuant to House Resolution 539, 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.

The question is on the amendment in the nature of a substitute.

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. WALZ of Minnesota. I have a motion at the desk, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WALZ of Minnesota. In its current form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Walz of Minnesota moves to recommit the bill H.R. 3581 to the Committee on the Budget with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 21, insert "(i)" after "(C)".

Page 3, line 23, strike "(i)" and insert "(I)".

Page 4, line 7, strike "(ii)" and insert "(II)".

Page 4, after line 9, insert the following:

"(ii) For loans to students or veterans, the risk component is zero."

Mr. WALZ of Minnesota (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. WALZ of Minnesota. Mr. Speaker, I would like to say that the goals of this legislation that the gentleman and his supporters have put before us are noble. The supporters have stressed it is to improve accuracy in how we account for loan programs. That's, indeed, a laudable goal. As stewards of the taxpayer dollars, we all believe it's our responsibility to keep a careful eye on every dollar spent. This includes using the most accurate accounting measures possible. Unfortunately, we have no assurances.

Mr. Speaker, the intentions of this bill are laudable. The problem we have is there's no assurance that the piece of legislation we're doing today will encode that into law. Instead, what we have are half-finished ideas whose merit is disputed by nonpartisan budgeting experts and whose effects are still unknown.

We've heard concerns today that enactment of this bill could result in us systematically overestimating the cost of Federal loan programs. This will not just be inaccurate accounting; it could cause significant harm to millions of Americans who depend on these loans. As a school teacher and a 24-year veteran of the National Guard, I know that the two groups that depend on

these loans more than any other are students and our veterans. That's why I have this motion at the desk to amend the bill to ensure that, at the very least, as this experiment plays out, we hold harmless students and veterans.

This amendment does not kill the bill, and it changes nothing in it. It simply ensures that until we know how this policy is going to work out, we won't insist that we make it any harder for an Iraq or Afghanistan veteran to get a home loan. At the same time, when economic hardships and rising tuition costs are making it harder for our best and brightest, those very students that we depend on to make this Nation profitable, we need to make sure that they're not harmed by this process.

My amendment would ensure that we hold them, the veterans and the students, harmless until we know how this unvetted, untested piece of legislation will work. I simply encourage my colleagues to join me. Protect the students and the veterans in this. Go ahead and pass the bill, if that's what you want to do; but let's make sure there's a firewall between those that can least afford to have this go bad.

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

Mr. GARRETT. I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. Mr. Speaker, the prior amendment that this House just overwhelmingly voted down would have gutted the underlying bill entirely. This motion to recommit will now try to gut the bill by approximately one-third. I commend the other side of the aisle for at least going in the right direction. But, Mr. Speaker, I remind us all of the words of the President of the United States when he stood in that same position where he speaks of fairness and the agenda that he proposes, and he speaks of fairness to the American public.

Well, Mr. Speaker, we know that the budget process in this country is broken. We know that there is no fairness in that. This amendment will undercut the legislation before us, and the underlying bill will try to restore it.

We need fairness to the hardworking American taxpayer who, at the end of the day, will be the one who will have to foot the bill when the loans go sour like we saw in the situation with Solyndra. We need to bring fairness to the small business owner who is already compelled to comply with the exact same requirements that we have in this bill. Mr. Speaker, we need to bring fairness to the American public who simply wants to know where their hardworking tax dollar is going.

Mr. Speaker, in conclusion, let me just say this: as we here in Washington travel through that great twilight which is that murky area of obscure accounting rules, let us commit our-

selves to one thing—that we will bring clarity, that we will bring transparency, that we will bring sunshine, and, most importantly, that we will bring fairness to the American public as to the spending of their tax dollars.

I recommend that we vote "no" on this motion to recommit.

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 yeas appeared to have it.

Mr. WALZ of Minnesota. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 190, nays 238, not voting 5, as follows:

[Roll No. 41]

YEAS—190

Ackerman	Farr	McIntyre
Altmire	Fattah	McNerney
Andrews	Filner	Meeks
Baca	Frank (MA)	Michaud
Baldwin	Fudge	Miller (NC)
Barrow	Garamendi	Miller, George
Bass (CA)	Gonzalez	Moore
Becerra	Green, Al	Moran
Berkley	Green, Gene	Murphy (CT)
Berman	Grijalva	Nadler
Bishop (GA)	Gutierrez	Napolitano
Bishop (NY)	Hahn	Neal
Blumenauer	Hanabusa	Olver
Bonamici	Hastings (FL)	Owens
Boren	Heinrich	Pallone
Boswell	Higgins	Pascarella
Brady (PA)	Himes	Pastor (AZ)
Braley (IA)	Hinchee	Pelosi
Brown (FL)	Hinojosa	Perlmutter
Butterfield	Hirono	Peters
Capps	Hochul	Peterson
Capuano	Holden	Pingree (ME)
Cardoza	Holt	Polis
Carnahan	Honda	Price (NC)
Carney	Hoyer	Quigley
Carson (IN)	Inslee	Rahall
Castor (FL)	Israel	Rangel
Chandler	Jackson (IL)	Reyes
Chu	Jackson Lee	Richardson
Cicilline	(TX)	Richmond
Clarke (MI)	Johnson (GA)	Ross (AR)
Clarke (NY)	Johnson, E. B.	Rothman (NJ)
Clay	Jones	Roybal-Allard
Cleaver	Kaptur	Ruppersberger
Clyburn	Keating	Rush
Cohen	Kildee	Ryan (OH)
Connolly (VA)	Kind	Sanchez, Linda
Conyers	Kissell	T.
Cooper	Kucinich	Sanchez, Loretta
Costa	Langevin	Sarbanes
Costello	Larsen (WA)	Schakowsky
Courtney	Larson (CT)	Schiff
Critz	Lee (CA)	Schrader
Crowley	Levin	Schwartz
Cuellar	Lewis (GA)	Scott (VA)
Cummings	Lipinski	Scott, David
Davis (CA)	Loebach	Serrano
Davis (IL)	Loftgren, Zoe	Sewell
DeFazio	Lowey	Sherman
DeGette	Lujan	Shuler
DeLauro	Lynch	Sires
Deutch	Maloney	Slaughter
Dicks	Markey	Smith (WA)
Dingell	Matheson	Speier
Doggett	Matsui	Stark
Donnelly (IN)	McCarthy (NY)	Sutton
Doyle	McCollum	Thompson (CA)
Engel	McDermott	Thompson (MS)
Eshoo	McGovern	Tierney

Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Watt  
Visclosky

Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman

Welch  
Wilson (FL)  
Woolsey  
Yarmuth

□ 1637

Mr. McNERNEY changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

## RECORDED VOTE

Mr. VAN HOLLEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 245, noes 180, not voting 8, as follows:

[Roll No. 42]

## AYES—245

Adams  
Aderholt  
Akin  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxx  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)

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

## NOT VOTING—5

Alexander  
Edwards

Ellison  
Payne

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

Adams  
Aderholt  
Akin  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McClintock  
McCotter  
McHenry  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent

Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland

Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)

## NOES—180

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boren  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Coble  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge

## NOT VOTING—8

Edwards  
Ellison  
Gutierrez

Paul  
Payne  
Thompson (MS)

## □ 1644

Ms. JACKSON LEE of Texas changed her 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.

## PERSONAL EXPLANATION

Mr. ELLISON. Mr. Speaker, on February 7, 2012, I missed rollcall votes Nos. 36–42 due to commitments in my district. Had I been

present I would have voted "yes" on rollcall Votes 36, 37, 40, and 41 and "no" on rollcall Votes 38, 39, and 42.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3521, EXPEDITED LEGISLATIVE LINE-ITEM VETO AND RE-SCISSIONS ACT OF 2012

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-389) on the resolution (H. Res. 540) providing for consideration of the bill (H.R. 3521) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 3630, TEMPORARY PAYROLL TAX CUT CONTINUATION ACT OF 2011

Mr. BISHOP of New York. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 3630, the conference report to extend the payroll tax, unemployment insurance, and SGR payments for doctors.

The form of the motion is as follows:

Mr. Bishop of New York moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 3630 be instructed to file a conference report not later than February 17, 2012.

#### NEW YORK CITY NATURAL GAS SUPPLY ENHANCEMENT ACT

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on suspending the rules and passing the bill (H.R. 2606) to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### THE GOVERNMENT IS THE VIL-LAIN AGAINST RELIGIOUS BELIEFS

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

Mr. POE of Texas. Mr. Speaker, religious civil liberty is the bedrock of a free people, but today we face an unprecedented and unconstitutional act of aggression against our religious liberty sponsored by the U.S. Government. The President's health care edict forces Catholic organizations to choose between either violating their religious faith or not furnishing their employees with health care coverage.

No government has the legal or moral right to harass any religion and make them violate their religious convictions, especially ours. After all, the Constitution prevents this type of government oppression against religion. That's why Catholics, Protestants, and Jews are united in their effort to stand up against this government act of tyranny.

People came to this country to flee religious persecution. Now our own government is a villain to religion. But people of faith will not submit to a government war against religion. The holy line has been drawn by a coalition of all religions.

The head of the Catholic League, Bill Donahue, said it best: "This is going to be fought out with lawsuits, with court decisions, and, dare I say it, maybe even in the streets."

And that's just the way it is.

#### RECOGNIZING LOUIS MOORE

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Professor Louis Moore for his long and distinguished career in the field of agriculture. After more than half a century of service, Lew will be retiring this year from Penn State, where most recently he served as a professor of agricultural economics.

Lew has been at the forefront of promoting Pennsylvania agriculture. Most notably, Lew was instrumental in the implementation and expansion of the PSU Agriculture Cooperative Extension, which helps citizens learn and connect with the various agriculture research and services that Penn State's Department of Agriculture provides Commonwealth farmers.

In 1955, Lew began work as a marketing agent for Cooperative Extension in northwestern Pennsylvania and later for the entire Commonwealth. In 1973, he joined Penn State as a professor of agricultural economics, where he also helped expand the Extension beyond Pennsylvania, working with foreign ministries of agriculture, farmers, universities, agribusinesses in countries across the world.

From his research and writings to his marketing and advocacy, Lew's contributions to the field of agriculture stand as a beacon to our State and our Nation.

Congratulations, Professor Moore, and we thank you for your service.

□ 1650

#### ACADEMY NOMINEES

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

Mr. CRAWFORD. Mr. Speaker, I rise today to recognize the nine students from Arkansas' First District whom I have the privilege to nominate to a U.S. service academy. All of these students have demonstrated exceptional skills in the classroom. Not only are these young men brilliant students, but they have also given much to their communities and deserve recognition.

Jordan Reed from Cabot is active in scouting, Future Farmers of America and Quiz Bowl.

Weston White from Blytheville was elected lieutenant governor at Boys State and is active in Future Business Leaders of America.

Sully Bigger from Walnut Ridge is on the track team and participates in cross-country racing.

Clayton Carpenter from West Memphis lettered in baseball and football where he was an academic All-Conference player.

Robert Raper from Colt is a cadet in the Naval Junior ROTC where he holds the position of cadet company commander.

Andrew Morgan from Mountain Home is a two-time All-Conference Academic selection in football.

Sean Gavan from Cabot is a member of the Air Force Junior ROTC where he is a lieutenant colonel and a logistics commander.

Jack Baltz from Pocahontas is class president and is an active church member.

Daniel Kyle Payne from Violet Hill was selected for the American Christian Honor Society and serves on the student council.

These young men are proof that America's Greatest Generation is not just a story of our Nation's past. With each new generation of Americans, our national spirit is renewed. It is an honor to represent young men like these who embody the hope and purpose that define America.

#### DEPARTMENT OF ENERGY'S LOAN GUARANTEE PROGRAM

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

Mrs. BLACKBURN. Mr. Speaker, it's an interesting thing: there are programs around here that are completely out of control, and one is the Department of Energy's Loan Guarantee Program that our Energy and Commerce Committee has been investigating for the past year. I'll tell you, I was thinking about an old country song when we were talking about this program today, which is: when you're in a hole, stop digging. That is certainly what applies to the Department of Energy's Loan Guarantee Program, and that is what DOE needs to do.



We are seeking information to figure out exactly what has happened with taxpayer money. Now, everybody has heard about Solyndra. We all know how that has run off the rails. It went bankrupt; it wasted taxpayer money. Now we have Fisker, which is a company that received Federal loan guarantees. Right now, it's trying to renegotiate the terms of its initial loan. Guess what, now we find out that they're laying off employees—20 employees and 40 contractors.

Yet, again, another Department of Energy Loan Guarantee Program, under the watch of Secretary Chu, is having difficulty, and Federal taxpayer money is being wasted.

#### HONORING THE LIFE OF ALF LARSON

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

Mr. PAULSEN. Mr. Speaker, I rise today to honor the life of Alf Larson, a Minnesota World War II veteran who survived the infamous Bataan Death March. Alf passed away just last week, on January 30, at the age of 93.

Despite experiencing one of the worst aspects of war, Alf kept his faith in the Lord. During his 41 months in captivity as a prisoner, Alf would read the New Testament and the Book of Psalms, which he kept hidden.

After the war, Alf returned home, got married and then reenlisted in the Air Force in 1948. He left the Air Force 6 years later, and came back to Crystal, Minnesota, and raised a family—his three children. Like most heroes, Alf insisted that he was just a regular guy who was doing his duty, saying, I'm not a hero. I was just doing my job.

Mr. Speaker, last week Minnesota and our Nation lost one of our greatest heroes.

To Alf and all the other veterans who serve our country admirably, I want to say thank you for your incredible sacrifice.

#### NATIONAL BLACK HIV/AIDS DAY AND THE RELEASE OF AMERICAN CITIZENS IN EGYPT

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, I do want to acknowledge today the honoring, or the recognition, of National Black HIV/AIDS Day in acknowledging the work that many organizations have done to stop the devastation of HIV/AIDS in certain populations.

I will submit a statement into the record extensively acknowledging the work that has been accomplished; but I rise today to address a very important international issue that appears to be politicized by those running for President in the Republican primary.

First of all, we should all be concerned for Americans who are being

held by ally Egypt, and we should be concerned for the safe passage of those Americans as quickly as possible. Yet it is ridiculous to associate this incident with the taking of hostages in Iran some decades ago. But, of course, where there is foolery, there is opportunity.

I call upon Egyptian Americans to work with this administration to stop the holding of American citizens and to have them released immediately, and I will continue pressing for this as the weeks and days go on.

#### NATIONAL MARRIAGE WEEK

The SPEAKER pro tempore (Mr. YODER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Mississippi (Mr. NUNNELEE) is recognized for 60 minutes as the designee of the majority leader.

Mr. NUNNELEE. Thank you, Mr. Speaker.

Today begins the observation of National Marriage Week. It is a week that begins today, February 7, and will go through Valentine's Day, February 14, next week. Around the Nation, in fact, indeed around the world, there are those organizations and individuals who will be conducting events around National Marriage Week.

So I think it's all too fitting and proper that we take this hour on the floor of the House of Representatives to recognize the importance of marriage and the importance of homes. Tonight, we will be having a series of speeches that will reflect the importance of marriage and the home, and we will also recognize National Marriage Week.

Mr. Speaker, for the first of those speeches, I would like to recognize my friend, my colleague from Mississippi (Mr. HARPER).

Mr. HARPER. I thank the gentleman for the opportunity to speak on behalf of National Marriage Week. What a special time it is for us. I will also say what an inspiration you and your wife are to my wife and myself on the way that you live that marriage.

As we look and see how our society is today and as we see the prevalence of divorce and the breakdown of the family, I think it's very fitting that we talk for a moment about the importance of marriage and what it means in our lives. While it is not attainable for some family situations or some situations, it should always be our goal to keep that family unit together and to hold that bedrock of our society together.

My experience with marriage came from watching my mom and dad. My dad was a gunner in a B-17 in World War II. He came right after World War II to Columbus Air Force Base, which is in Congressman NUNNELEE's district, and met my mother at a dance when she came down from Lackey, Mississippi, outside Aberdeen. From that point forward, my dad decided he would move his allegiance from Oklahoma to the State of Mississippi.

I watched that marriage through my life. While no marriage is always easy or trouble free, they stuck together through thick and thin. I know, for us—my dad, my late father, being a petroleum engineer—we transferred quite often from kindergarten through the 12th grade. I was in 10 different schools in four different States—and we actually spent another summer in a fifth State—but Mississippi was always home. That bond that we had was very special because, as long as Mom and Dad and my brother and I were together, there was that protection, that safety that came from that; and how I watched them as they handled things that came up in their life inspired me.

Then in that last move that we had from the State of California back to Mississippi, I wound up in a high school in the 10th grade with a great friend of mine whose conduct and behavior indirectly led me to accept Jesus Christ as my savior at the end of my 10th grade year. He got me going to his church, and it was there that I spotted this beautiful young lady; but I had to wait until she broke up with this boyfriend, and then I moved in for the kill.

□ 1700

So I started dating my wife Sidney when she was 15 and I was 17. We dated 5½ years before we got married. We would have gotten married sooner but we were afraid to stay by ourselves, so we had to wait just a little while. But we've now been married 32 years. And I can tell you that I can't imagine not being married to Sidney.

As I look and we talk about National Marriage Week, and you look at the joys and the troubles that you go through in life—and for us, part of that was having a son with special needs. Our son Livingston has Fragile X Syndrome, and the difficulty of going through that with him is something I could have never done without that bond of marriage and that strength that came not only from the Lord but from my relationship with my wife. We've been blessed with our son Livingston, what a wonderful son, and our daughter Maggie. And having that family together and them having us together, I think, helps us as we build our society and we move forward.

I want to commend the gentleman from Mississippi for having this event today where we can come and speak on that. And I want you to know that I'm a very smart husband too because I'm giving this speech, wearing the tie that my wife gave me for Valentine's Day last year. So hopefully that will score points.

But I want to say, as we look at this, let's try to encourage people that are going through difficulties in their marriage to stay together, to keep that family together. And this is something that we can build on that will benefit our society.

Mr. NUNNELEE. Thank you, Mr. HARPER.

Now I would like to call on my friend Mr. LAMBORN, the gentleman from Colorado.



Mr. LAMBORN. Mr. Speaker, I thank the gentleman from Mississippi for putting this time together. And I rise today in support of National Marriage Week.

In so many ways, from so many sources, marriage is under attack in America. When we consider the many social problems facing our country right now, the erosion of marriage and family is at the core of many of them. Scholar Michael Novak once famously referred to the family as the "original Department of Health, Education, and Welfare" because of its role in providing for the needs of all its members and, particularly, the next generation.

Study after study has shown the tremendous advantages for children and society as a whole when there is a sustained presence of mothers and fathers in the home. Families in which mothers and fathers strive to nurture their children together have advantages over every other family form that has been studied to date.

Today we are seeing that marriage is increasingly in trouble in America. High rates of divorce, nonmarital childbearing, and single parenthood were once problems primarily concentrated in poor communities. Now the American retreat from marriage is moving into the heart of the social order, the middle class. There is a widening gulf between the middle class, where a sharp decline in marriage is at work, and the most educated and affluent Americans, where marriage indicators are either stable or are even improving.

As unwed childbearing continues to climb, risking continued social breakdown and increased government dependency, national leaders should be encouraging stable family formation, not redefining marriage. I call upon Congress to recognize the intrinsic good that results to all of society when husbands and wives strive to uphold their marriage vows and raise children in loving and stable homes.

I again want to thank the gentleman from Mississippi for putting this time together on such an important issue.

Mr. NUNNELEE. Thank you, Mr. LAMBORN.

Mr. Speaker, I now recognize the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I thank the gentleman for hosting this time.

This is a conversation at the end of the day, after all the votes are over on the House floor and all the hustle and bustle and everything, and we get a chance just to shut down and be able to talk about issues like this week being National Marriage Week. Just for a moment, to be able to pause on an area that we really do agree on, as a Congress, and so many people can gather around to celebrate marriage, what marriage has meant in our own families, and what it means in our Nation.

Twenty years ago this May, I watched my bride walk in with her wedding dress, and I could never begin

to explain the emotion of that. It's a moment I will never forget, seeing her smile and thinking, For the rest of my life, I'm going to get to spend it with that lady.

Love is an amazing thing. But marriage is not just love. It is commitment. It is the foundation of our culture. It is the very essence of what we call family. For me, as a follower of Jesus Christ, I also understand that marriage is one of the few things to survive the fall of man. Marriage existed in the Garden of Eden, and it still exists today.

I fully appreciate and understand the dynamics of single parenting—growing up in a single-parent home myself, I watched my mom dedicate her life to myself and my brother, and how hard she worked. But I can tell you, from her perspective and from no person I have ever met, have they picked up a newborn child and looked into that newborn's face and said, I hope this child grows, gets great grades, goes to a good college, gets married, and then gets divorced. No one does that because, as a culture, we understand the value of marriage. It's intrinsic within us that we get it, and we honor that. We see an elderly couple in the park and see them smiling at each other, and we wonder about how many decades they've spent together. And we honor them, as a culture, because they have strived for so many years and have been committed for so many years to each other. It is to be honored. And it's a good thing for us to stop for just a moment in the hustle of this day to honor marriage again.

And let me just say, as a government as well, marriage is a big deal to us because there's a direct correlation: The weaker our families are, the more government has to stand up and provide services. The stronger our families are, the less there is a need for government. You'll see it in law enforcement. You'll see it in social services. You'll see it in food stamps. On and on and on, the stronger our families are, the less government we need. And as our families collapse, we have an acceleration of government to try to fill in the gaps. It is this uniting aspect of our culture—white, black, Latino, Asian, American Indian, every race, faith. Family is the key, and marriage is the essence of that.

A quick story. A few weeks ago at the Martin Luther Day festivities in Oklahoma City, Paco Balderrama, who works the gang unit within Oklahoma City's police department—he is a fantastic officer with a terrific reputation in our community—stood up, and he began to talk about marriage and about families. And he made a statement. He said, of all the gang arrests that they do and of all the gang interventions that they do in Oklahoma City, he said, 1 percent of the gang members that I pick up come from married, intact families, 1 percent. The more our families fall apart, the more government has to rise up.

In intact families, you have a lower use of drug use in those kids, of crime in those kids, of poverty, and passing on poverty to the next generation. They have safer homes with less abuse. They have less risk of early sexual activity, all because they have come from a family that is married and committed to each other. We should maintain that in our Federal policies, that in every way possible, we support marriage, not discourage marriage.

A great example of that is the marriage penalty that's in SSI right now. If you are on disability insurance and you are single, you get one payment. But if you are married, it's much lower. If you are single, you can have one amount, and you can have one amount of assets, but if you are married, it's less. So it basically is a disincentive for a person on SSI to be married.

I have personally interacted with people in Oklahoma City that have been living together for years. And when I asked them about it, and said, Why don't you get married? Why don't you settle this commitment? His response to me was, I can't afford to do that. I'll lose part of my SSI benefits.

We, as a government, should do everything we can to make sure there are no marriage penalties in any of our social service programs because the best thing that can be done to pull families out of poverty is a stable, strong home. And when there's a stable, strong marriage, that will build up families. And the more we step in as a government and say, I know your family's falling apart, but we're just going to subsidize you. In fact, we'll subsidize you to a level that you don't have to get married. In fact, we discourage you from getting married. It's absurd on its face.

The cultural thing that pulls us all together—every race, every religion—is the marriage being the center of that home. And for every family that I have ever talked with, their hope for their children is that they get married, and they stay married.

□ 1710

It is still a core foundation of our culture. Many marriages have fallen apart, but we should as a Nation stand beside marriage. It's a great week. It is always a great week to celebrate National Marriage Week.

Mr. NUNNELEE. Mr. Speaker, it is my honor to participate in National Marriage Week, along with my bride of 30 years, Tori. In fact, it was February 13, 1980, that she and I went out for the first time. And on that night I found a friend, a friend that would be a life partner. A couple of years later we were married.

Now the purpose of National Marriage Week, as has been articulated here on the House floor tonight, is to recognize the benefits and the stability that strong marriages bring to society. Now, it's purpose is not to belittle those who have never been married. Neither is it's purpose to make those

who may have previously been married feel like their value to America is somehow not important. I recognize to-night there are thousands of single parents struggling. They're struggling every day to make ends meet. They're trying to balance two tough full-time jobs—jobs being the sole breadwinner and provider to a family, and the full-time job of being a parent. But it's also important that we not forget to recognize the importance of strong marriages in our society.

The home is the fundamental unit of society. The home is the system whereby values are transmitted from one generation to the next. Studies have shown that children raised in intact, married homes are more likely to attend college. They're physically and emotionally healthier. They're less likely to be physically or sexually abused. They're less likely to use drugs or alcohol. They're less likely to be involved in a teenage pregnancy. The home was the first institution established on Earth. In fact, it's older than the institutions of religion, of government, of education. The home is the only institution we have on Earth that is exactly the same as it was before sin entered the Earth.

And today, we stand on the foundations of the homes created by our ancestors. And a strong America in the next century begins with strong homes today. Strong homes begin with strong marriages. I have known this to be true in my own life. While their story is not unique, in fact it's a story that is replicated throughout America.

Next week, there's a couple in Tupelo, Mississippi, who will celebrate their 55th wedding anniversary. They married as children in 1957. She was 17. He was an old man of 19. If their compatibility had been put into one of the matchmaking computer programs that's available today and all of their data had been input, those computers I'm convinced would have spit out a three-word message: Are you kidding?

He had lived all of his 19 years of life on a small and poor farm in Pontotoc County, Mississippi. He had rarely traveled from the place of his birth. On the other hand, she was born in Pittsburgh, Pennsylvania. She lived there until her family was transferred to Mississippi as she was to begin the 11th grade. The summer after she graduated from high school, they met. She canceled her plans to attend college because she had met what would be her life partner. While their backgrounds had very little in common, their families shared two very important values: a strong faith in God and a commitment to the family unit.

Their first night together, they got down on their knees and they committed their marriage to God, and they committed themselves to each other. Over the ensuing 55 years, they've shared many good days: the birth or adoption of seven children; her graduation from college, an event that had been delayed by almost two decades;

his becoming very successful in the life insurance business, including becoming the president of one of the State's largest and most successful life insurance companies; the birth of 14 grandchildren; seeing all seven of their children given the opportunity to attain a college education.

But just like in so many families, every day has not been a bright one. Trying to raise children while building a sales territory, there were a lot of times when there was not a lot of money left at the end of a long month.

They've held hospitalized children, some hospitalized with routine childhood illnesses, others with life-threatening conditions, and they've had long nights in the hospital not knowing if that child would make it to see the morning.

They've had to console a grieving daughter as she was consoling a son, a grieving daughter who was far too young to be a widow. They leaned on each other as he was terminated from the company that he'd built. He was the casualty of a corporate merger.

Through the good days as well as the bad, the commitment they made to God, the commitment they made to each other, has endured. While the word "retirement" is not in their vocabulary, they are beginning their eighth decade on Earth, and they are beginning it each day with each other.

Their seven children are scattered from Knoxville to San Antonio, and each are contributing members of their communities. One of them lives in Mississippi, but works part-time in Washington, D.C., and tonight he's proud to stand on the floor of the United States House of Representatives and on behalf of their children, their grandchildren, and their great grandchildren, say thank you. Thank you for your commitment to each other, because your commitment to each other, your commitment to your family will not be measured by years, but rather, it will be measured by generations.

This story is not unique. In fact, it's representative of the millions of stories told by millions of families that have made America great. But as we stand here tonight, we need to be mindful that because of the value that strong marriages bring to society, the policies of government should support strong marriages and not oppose them.

□ 1720

All too often, whether it's in tax policy, housing policy, or the policy of Federal benefits, the policies of government are stacked against families. If we truly believe that families are the foundation of a strong America, we need to make the policies of government support and enhance those families.

Mr. Speaker, let me now recognize the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you.

I appreciate my friend, Mr. NUNNELEE's, effort in recognizing the

role that America has had in fostering the greatest building block any society has ever known—marriage, plain and simple. I was blessed to have had two parents that loved each other, loved each other enough to fuss at each other when they didn't feel like the other was doing the right thing. But, as Mr. LANKFORD from Oklahoma pointed out, it's not all about love. It's also about commitment. And as anybody who has studied sociology and really wants to be honest about the history of the world knows, the greatest societies in the history of the world have had as their building block the marriage between a man and a woman.

Now, my wife was blessed to have been born and raised by a couple who loved her as her natural parents and loved each other, and the commitment was always there. Her dad passed away a few years ago, and her mother is still alive and blesses us. My dad remarried a year after my mother died in 1991, and they've been a blessing to both of us and to our children.

It was certainly a great blessing to me when I met Kathy, when I was in law school and she was an undergrad at Baylor. And somebody again this weekend said, Your wife is so cute; I had no idea. And I have to explain to people that's because she met me and married me while I had hair. I realize I couldn't get somebody cute nowadays if Kathy and I weren't together. But back then, I had hair, and I know it's hard to believe, but I actually looked okay when I had hair. But, anyway, she's stuck with me for 33½ years now, and we have been truly enriched to have three wonderful daughters.

I've learned so much about the nature of God by being a father. I learned a little more by being a judge, but marriage just has been truly the enhancement, beyond my faith in Christ, the number two thing in my life as far as the blessings that I have received.

When we look at the laws regarding marriage, we know there's a great deal going on. The court, as I understand it, today struck down a law that said marriage is between a man and a woman. It's interesting that there are some courts in America where the judges have become so wise in their own eyes that they know better than nature or nature's God.

It was interesting seeing what happened in Iowa a year and a half ago, after an Iowa Supreme Court unanimously—well, they held en banc. Having been a chief justice of a court of appeals, sometimes that means that nobody wanted to be out there signing the decision by themselves so that perhaps behind the scenes they may have said, Hey, look I helped you on that by making that a full decision en banc and so help me out here by all agreeing to this. Well, three of them came up for an up-or-down vote, and for the first time in Iowa's history, the voters in Iowa voted to terminate the time as judge of three of the nine judges—or seven. Three of them were up, and they were terminated.

One of the things that I found interesting as I went on a bus trip across Iowa—I loved the Iowa folks. All I had to do was pull out the decision written by the Iowa court and read in that decision how those judges in Iowa had become so wise in their own eyes that they said that even though the State of Iowa raised as one of their issues that there was biological evidence that supported a marriage being between a man and a woman, that they, the Supreme Court, so wise beyond nature, so wise beyond nature's God, they could not find any evidence whatsoever to support the notion of marriage being between a man and a woman. Iowa voters would often start laughing, and some would just gasp in shock that people that had so many years of education, at least 18, 19, 20 years of education, had studied and looked at the evidence and could not find any indication that nature or biology supported marriage between a man and a woman. Well, nature seemed to like the idea of an egg and a sperm coming together because of procreation. Apparently, they thought the sperm had far better use some other way biologically combining it with something else. But the voters of Iowa came back and said, Do you know what? If you're not smart enough to figure out actual plumbing, as my friend STEVE KING explained it, then perhaps we need new judges, and that's what they did.

Now, it is the Bible, the biblical statement that the two shall become one flesh, and the two become one. It's amazing. In fact, I wrote a song for my wedding in which I pointed out that we would use 10 senses from henceforth instead of five. And you do. You learn from the senses of your mate. You grow together.

A good example of this growth is there was a prosecutor who prosecuted in my court when I was a judge, and he had had a couple, both the man and the woman, the man and wife were on the same jury panel from which the jury of 12 was to be drawn; and he was asking the husband, sir, the laws of Texas require that you cannot be on a jury unless you can independently vote your own conscience. So I have to ask you, sir, you're under oath, will you be able, if you were on a jury with your wife, to vote your own conscience? And the man said, Yes, of course, I can vote my own conscience. I'll ask my wife what's my conscience and then I'll vote it. It won't be a problem.

We two usually grow to become one, as the Bible points out.

It broke my heart to hear testimony on sentencing of a gang leader in Tyler who had been convicted of murder who was being harassed about his gang membership. He had heard all the testimony about his gang, and he pointed out, Look, you keep saying all these bad things about gangs, but let me tell you, my mother was never around. I never knew my father. The gang—my gang is the only family I've ever known. They're my family. You're

trash-mouthing my family. They cared about me. They supported me. We cared about each other. And it led to murder. It led to all kinds of crimes.

□ 1730

There's a reason that the most important building block of a stable society is a marriage between a man and a woman.

I was in the Soviet Union as an exchange student in 1973 visiting a day care before anybody even heard of day care really in the United States. In Mount Pleasant, Texas, we had Momma Stark. And if my mother had to go somewhere when we were little bitty—when we were old enough to go to school, then mother went back to teaching; but before then, she'd drop us off at Momma Stark's. She'd take care of us. We didn't know it was called day care at the time.

At the time I went to the Soviet Union as an exchange student, I was appalled. It was actually shocking to the conscience to see a place where the government had dictated what every child should know about relationships, about the lack of religion—because they preached atheism. They taught the children what the government believed they should know about everything.

We were told that it was so important that each child be taught only what was permissible to the government that if it were ever learned that a parent was teaching or telling a child anything at home that was not in accordance with the teachings and dictates of the government, that the child was then removed from the home and the parents were not allowed to have any contact with what was deemed to be an asset of the government and nothing to do with the home. That was because in that society—before it failed, as it always would—they believed marriage was not that important. It was the government that was the be-all, end-all. It was the government that would teach and would raise the children, and they were only loaning them to parents until such time as they did something the government didn't like and then they took them away. It was not normally any type of sexual abuse. The worst offense, it seemed to be from what I heard from people I talked to there, was if you taught something that was not in keeping with what the government taught.

I thanked God that I lived in a country where my parents could teach me things that were true and things that were right, and not some government that would be wishy-washy and changed depending on who was in charge of the government, not some government that would perhaps take away the rights that were an endowment from our Creator. It was the parents that would train and teach out of love.

Then you find out, as I have over the years, our government, ever since I got

back from the Soviet Union, year after year has moved as if it's an adversary of marriage. Yet as my colleagues before me who've pointed out, the studies Mr. NUNNELEE has pointed out, of course we have some of our greatest citizens come from single-parent homes. But if you want to play the odds, the odds are that a child is more appropriately adjusted if they come from a two-parent home, a loving mother and father playing two different roles.

And yet we find out, gee, for decades now there has been instituted what's called a marriage penalty, so that if a wife and a husband are married and they are both working, then they are going to pay extra in taxes. The message being, subconsciously, our government thinks you're better off not married, just live together.

As Mr. LANKFORD pointed out, with Social Security, we do the same thing. You talk to elderly people who would love to be married because they believe in marriage from a religious standpoint and a doctrinal standpoint, and yet if they get married, they lose government benefits, indication that the government thinks it's better to live together rather than be married.

Not only that, but we have seen it over and over since the mid-sixties, a Congress who simply wanted to help. When a deadbeat father wouldn't help with the financial raising of his children, Congress said, You know what? Let's help these single moms that are trying to make it. Let's give them a check any time they have a child out of wedlock. After over four decades, we've gotten what we paid for, where between 40 and 50 percent of all children born are being born to a single mom, despite the evidence that more children are better adjusted if they have a mother and father in a well-adjusted home.

So, I get to Congress as a result of my wife, Kathy, being a full partner. She taught for awhile. She has her master's in business administration, in accounting. She taught for awhile while I was running, but we saw, if this is really what we believed was appropriate for our marriage, for our lives, to try to get this country back on track, it was going to take a partnership. So she left teaching and came on board and was a full-time campaigner with me as my partner. We could hit two places at the same time. And I was never shocked to hear that people loved Kathy more than they loved me and they would just as soon have her over me. So that went on.

We cashed out every asset we had except our home. I practiced a little law when I could and made a few bucks, but at the same time we cashed out every asset, paying higher penalties, so we could live on that. I didn't see it was a big risk because I knew if I didn't get elected, I could go back and make more money than I ever would in Congress. I've done it before; I could do it again. But at the same time, this is what we believed we were supposed to do.

We were allowed to continue that partnership after I got elected because you can't avoid having a campaign office because you've got to keep raising money. It's part of getting reelected. You've got to keep campaigning basically for the whole 2-year period between each election. So we kept my wife on for the same thing she had been making at teaching.

After 2 years of a true partnership—I mean, we were true partners. I was fighting the battles here in Washington and she was taking care of things in our district, going to all events that I couldn't attend, as my partner. And then when Speaker PELOSI took the gavel, our friends across the aisle determined that we wouldn't allow things like that because there were some people who, in a corrupt manner, had overpaid family members to do nothing.

So, the message went back clearly that my wife could no longer be my partner and take care of the campaign issues. I could no longer pay her the same thing she got as a teacher, that she had to go back. And since we had cashed in all our assets, and since I did not want my children to be coming out of college completely encumbered with massive debt from loans, and since the money that we had tried to save for college had been expended, we still needed her to work. We've still got college loans to be paid even now. But she's no longer my partner as far as this enterprise because this Congress said, under Speaker PELOSI, we don't want wives working as the campaign partner of a Member of Congress. So it seems like, over and over, the message keeps coming back that Congress wants to be an enemy of marriage.

Then we get the President's Jobs Act last fall. And although the President said he was going after millionaires and billionaires, if you looked at the pages that concerned the increased taxes, the President revealed his true heart, and that was that he considered you to be a millionaire or a billionaire—and obviously you're not—if you make \$125,000 a year, because under the President's Jobs Act, if you make \$125,000 a year, you're going to get popped not merely with an alternative minimum tax, you're going to get popped with an extra tax on top of that.

□ 1740

And that didn't matter if you were married, filing singly, or married filing jointly. Either way, a married person could only claim \$125,000 as income before he got popped with President Obama's extra tax. Not exactly a millionaire or billionaire; but, apparently, the President felt if you are going to have the inappropriate conduct such that you would get married, then you'd have to get taxed more than others.

How do you know that? Because in the President's same section, if you're not married and you are filing, you could claim either a \$200,000 exemption, or a \$250,000 exemption. Therefore, if

you were single and lived together, then you could claim either a \$400,000 or \$500,000 exemption under the President's Jobs Act.

And I was always wondering, and I hope some day the President will make clear, why he had such animus toward marriage between a man and a woman. He seems to be happily married. He seems to have a wonderful wife. Why would he want to penalize others in the country simply because they are married?

I didn't understand it. I still don't understand it. And I'm hoping before this year is up that enough people across America will make their voices heard that, you know what, we've gotten away from it, but the studies keep making it impossible to avoid admitting marriage between a man and a woman is a good thing. It is the building block of a stable society.

And as those who took an oath to uphold our Constitution, in essence, do all we could for this country, we owe it to the country to do what we can for marriage. I do appreciate my friend, Mr. NUNNELEE, so much for taking the whole hour and for giving some of the rest of us a chance to come speak with him with one voice.

Mr. NUNNELEE. Thank you, Mr. GOHMERT.

As we wrap up this hour, recognizing the importance of National Marriage Week, I want to conclude, recognizing, first of all, my own life's partner.

February 13 will mark the day, a little over three decades ago, that I thought I was going out to eat dinner for a blind date. What I was doing was being introduced to a friend, a lifelong friend. As we talked that night, we found out that the things we shared we wanted to share with one another.

And I've learned so much from my now bride of 30 years, Tori, but I think one of the things that I've learned from her that applies to National Marriage Week, I've heard her say, time and time again, love's not a feeling, it's an action. You can't help how you feel about something. You can help how you act.

There's another young family that I'm reminded of as we celebrate National Marriage Week, a young couple that, a little under 6 years ago, I sat at a church, watched their families smile with excitement, watched them exchange promises to one another. And here, in their early years of marriage, they've had words introduced to their vocabulary that they didn't think would be part of their everyday conversation, words like "biopsy," "radiation."

As I talked to that young bride over the Christmas holidays, I told her, I said, you didn't sign up for this, did you? She looked at me and smiled and she said, yes, sir, I did. But I committed for better or for worse, in sickness and in health. I did sign up for this. No, I wouldn't choose it, but I'm here, and I'm committed.

So, Mr. Speaker, as we conclude our recognition of National Marriage

Week, I'm reminded of the observation of old, the observation that God saw it was not good for man to live alone, so God put us in families. I thank God for those families.

I hope and I pray that the policies of this government will continue to support marriages and families so that we can have a strong America.

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

#### MAKE IT IN AMERICA: MANUFACTURING MATTERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, thank you very much for the opportunity to share with those folks that are watching C-SPAN—and hopefully there are many—some of the issues that really confront America today.

We just heard an hour discussion on the fate of the American family, and it comes at that issue from one specific point of view and one specific section of the total problem, and that has to do with the issue of marriage and how we define marriage here in the United States.

But there's also another way to, and other very, very important issues that define the fate of the American family. And I'd like to take that issue up tonight in the context of the economy.

The American family is faced with many, many challenges. One of the most significant challenges is income, jobs. How can the American family make it in America today? What does it take for an American family to make it?

One of the most compelling charts that I've seen over these last several months is this one, which really describes the fate of the American family compared to the fate of the top 1 percent of Americans. We've seen an enormous shift in the income and the wealth in America over the last 30 years, largely because of governmental policies.

This blue line indicates how well the superwealthy are doing. They've seen nearly a 370 percent increase in their annual income. Their wealth would see a similar enormous increase.

Down here on the bottom are the rest of Americans, the other 99 percent. If you took all of this together, you would see that the bottom 50 percent have seen very, very little increase in their annual income; and most of that increase is due to both husbands and wives working simultaneously.

This is the challenge for the American family. How do they make it in America when, in America, we've seen an enormous decline in the great American manufacturing sector, where the middle class really, really succeeded?

And so, tonight, what I'd like to talk about with my colleagues who will

shortly be joining me is how we can make it in America by, once again, “Making it in America.” We can do this. In America, manufacturing matters.

American manufacturing has been in deep trouble for the last 20 years. That trouble has been caused by a variety of issues, some of which are beyond the control of anybody in this Nation, and certainly any Member of Congress or the Senate and the Presidency.

□ 1750

But a far greater part of the American manufacturing issue has been governmental policy.

Let’s see if we can lay the foundation for a discussion on what it takes to once again make it in America. This chart shows what has happened to American manufacturing since 1975. In the seventies, American manufacturing peaked out somewhere just under 20 million American jobs. Those were the good days. That’s when the American middle class was at its peak, when more Americans were enjoying the greatest share of the wealth in this country. That was the time when America was at its ultimate strength, when we had the greatest economy anywhere in the world.

Beginning in that year in the mid-seventies, we’ve seen a steady decline of the American manufacturing base. We’ve seen that decline for a number of reasons. What we need to understand is that through the seventies and into the eighties, and even into the nineties, even though there was a slight decline from some 19 to 17 million manufacturing jobs, it was in the century of 2000–2010 that the great decline took place. We are now down to just over 11 million manufacturing jobs in this country. Why did this happen? Why did we see this great decline?

As we try to answer that question, we need to also understand that there was a great increase in one, two, and three sectors of the American economy, but it was not matched by the manufacturing sector. The manufacturing sector was headed downward from 19 million to just over 11 million jobs. At the same time, the American economy was on fire. The finance, insurance, and real estate economy took off in the United States.

I think all of us have heard the term “financial engineering.” I am a graduate of Harvard Business School. Financial engineering was their schtick. That’s what they wanted to do. It wasn’t over at the engineering or the nuclear engineering or the chemical engineering schools, it was across the river at the business school, and at every other business school in America. If you wanted to make it in America, you had to be a financial engineer.

We saw the economy grow in the areas of Wall Street finance, insurance, real estate. And throughout the nineties, it peaked out. The best and the brightest of America decided that they didn’t want to be in manufacturing.

After all, that was some sort of dirty, greasy job. They wanted to be financial engineers in real estate, insurance, and Wall Street finance. We know where that got us. What that did to us was get us into the great bubble of 2000–2007, and the great crash that occurred. Financial engineering turned out to be nothing but paper. We’re not talking about dollars here; we are talking about worthless paper. That worthless paper nearly crashed the world economy. So there we have it. We became financial engineers rather than chemical engineers, manufacturing, and the rest. Where did our money go? Where did the American wealth go?

As we saw the decline of the jobs in manufacturing, we also saw the rise of imports. If you go back to the year 1976, you will see that we were running a very small trade deficit. We were importing and exporting approximately the same amount. What we were exporting was American-made equipment. We were exporting food that had been processed, food that had been grown. We were exporting machinery, machine tools, and airplanes. We were the great exporter of the world. Then Government policy began to shift, and we wound up here in 2008, the great exporters of American money, the great exporters of American wealth. We need to turn this around.

We’ve seen a slight improvement here in the most recent years, but all of this red is basically China. What’s happened is that the United States has given up its manufacturing power to China, and to a few other countries. We can see this in certain industries, for example, the automobile industry. Thankfully, as a result of laws that were passed by the Democrats and signed by President Obama giving him the power, through the stimulus program, the American Recovery Act, to bail out the American automobile industry, he did. The President said, On my watch, I will not allow the American auto industry to die. And he took action. He bailed out General Motors and Chrysler. In so doing, he saved the American auto industry and the tens of thousands of small businesses that rely upon that industry for their jobs. However, that’s only part of the story.

Here is the rest of the story. Other countries that are automotive manufacturers have been able to increase their supply chain. And while we still have an automobile manufacturing sector in the United States, we heavily depend upon imported parts for the assembly of automobiles here in the United States. So other countries actually manufacture the parts, and assemble the autos. But not in the United States. We assemble, but we also import many of the parts.

We can change this, and here is what the Democrats want to do: We want to change the trend line. We want to rebuild the great American manufacturing sector. And we can, with good, wise, public policies. We say make it in America so that America and Ameri-

cans can make it once again. Manufacturing matters.

As my colleagues begin to join me, I want to share with you some of the ways in which we can do that. Here are the policies that we want to put in place: We want to seek manufacturing within the United States. We want jobs and income within the United States. We are targeting specific industries, and we want to align the trade and tax policies in the United States so that we can once again reignite the American Dream. We’re going to go into these in somewhat more detail as my good friend from New York (Mr. TONKO) takes over for a moment.

□ 1800

Mr. TONKO. I’m always willing to help a sore throat get soothed.

Mr. GARAMENDI. Thank you.

Mr. TONKO. Representative GARAMENDI, thank you for bringing us together in a manner that allows us to look closely at the American economy, the American Dream, and the decline of manufacturing, which represents a serious concern for workers across the country and which represents a serious concern for communities as we engage in this effort to grow jobs and retain jobs. It’s important to look at the statistics out there.

Where was the focus? Where was the emphasis on job creation and job retention? Could we do a better sort of stewardship, if you will, of our resources and our policies? I believe the answer is a resounding, yes, we can do better.

As was made mention by Representative GARAMENDI, it is important for us to acknowledge that the work done here—the challenges, the crises that face us—can also be transformed into opportunities. The opportunity here for this great Nation—for the powerful force that we are in the global economy—is to reignite the American Dream, to reignite that dream with the underpinnings of support that come through three separate dynamics.

The first is engaging in a small business comeback, inspiring that comeback because small business, the pulse of American enterprise, is replete with a history of mom-and-pop operations, of ancestors that built their American Dreams into an ideas economy, into a service economy that enabled small business to become that very promising enterprise.

The second leg of the stool would be that of entrepreneurs—those movers and shakers, those builders, the dreamers, if you will—in our society who constantly inspire us with job creation that is driven by ideas and by the moving of ideas into a product and enabling us to again create that engine of ingenuity and creativity.

Then, finally, there would be a thriving middle class.

These are the basic principles: a thriving middle class that is driven to have additional purchasing power simply by policy that is done so that there is tax fairness, tax justice, in our outcome. Reigniting the American Dream is driven by those principles of small

business, entrepreneurship and of a thriving middle class.

It is a basic, simple approach that we have embraced as Democrats in the House, driven by a set of policies and goals that will enable us to look at all sectors of the economy and to understand that the manufacturing sector was grossly ignored. We focused primarily on service as a sector of the economy—ignored agriculture, ignored manufacturing. When the focus was on the service sector, it was primarily on financial services, which, when they were given free rein—when we turned our backs and said “do as you like”—we found that that drove America’s economy to its knees.

Now we look at the results. We look at the history of the last decade or two. The precipitous loss of manufacturing jobs from 1997 to 2009—a 12-year run—produced a loss of 6 million jobs in manufacturing alone, Representative GARAMENDI. What that meant—indicated, reflected, personified—was the largest such loss in world history. That is unacceptable.

So, when we talk about reigniting the American Dream, there is work to be done. There is work to be done, and it’s time for us to engage in a set of policies, of resource advocacy and goals that are established to create those ladders of opportunity and to enable people to climb up the economic ladder as we had done from our humble beginnings as a Nation, where rags-to-riches scenarios were commonplace and where immigrants saw this land as the promised land. That’s history that ought to speak to us, and we can bring it back through the appropriate advocacy here—a climate that creates manufacturing jobs and makes us competitive in a global economy.

Mr. GARAMENDI. Mr. TONKO, thank you very much for joining me. I needed a break.

Mr. TONKO. Yes.

Mr. GARAMENDI. Beyond that, let’s talk about the specific policies that we’ve been discussing here in the House—legislation that has been introduced—that will bring back the American manufacturing sector because, indeed, it was specific laws that were written here over the years that were largely, in my view, responsible for that outsourcing of jobs.

It’s an interesting word, “outsourcing.” Until December of 2010, an American corporation could receive a tax cut for every job it outsourced. That’s largely over. There is a little bit more to be done, but most of those tax breaks have been eliminated by a law that was passed by the Democrats—not one Republican voted for it—eliminating the tax break for the outsourcing of American jobs.

The President said it so very well in his State of the Union. He said that we should not reward companies for sending jobs overseas; rather, we should reward them for bringing those jobs back to the United States. That can be done by some of the policies that we’re talk-

ing about. The President signed a bill, authored by Democrats and voted on by all Democrats and a few Republicans, that actually encouraged that by giving companies a 100 percent immediate expensing of all capital equipment that they would invest in the United States.

Those are two examples. I know you’ve got some that you’ve been interested in, that you’re actually authoring, and you may want to talk about those. Then we’ll come back and talk about the specific things that we can do.

Mr. TONKO. Absolutely.

I think my response to some of those changes that you just shared is that it creates this sea change. It creates the U-turn in the road, if you will, and it gets everyone’s attention. People understand that.

Now we’re operating under a different set of principles—you need to invest in America, invest in her workforce and in the job opportunities that will follow. That’s what it basically says. When you look at machine tool operations and activity and when you look at it over the last, again, decade or so, you will find, in both categories, Representative GARAMENDI—of the consumption and production of machine tools—that we’re not in the top three. That ought to be a flag that goes up that draws our attention, hopefully, expressing a dire sense of urgency. When you see Japan and China and Germany not only producing the machine tools but also consuming, it tells you where the activity is, and it is robust. That’s all a matter of policy. Those are intentional outcomes that were driven by a very focused agenda in these nations, and America—the United States—needs to get back to that agenda.

I applaud the President for setting the tone in his recent State of the Union message. I applaud the leadership in this House, which is coming under the banner of the Democratic leadership, that has engaged in “Make It In America” as our mantra. Reigniting our American Dream is within our grasp if we begin to advocate a stand that brings back a robust quality to manufacturing opportunities in this country.

Mr. GARAMENDI. I’ll give you another example of how policy can change what has happened.

For a long, long time, we would send our tax dollars overseas to buy buses, railcars, light rail, ferryboats, and the like. Every one of us who buys gasoline or diesel fuel pays a Federal tax on that—18½ cents for gasoline and 25 cents for diesel fuel. That money is used to build transportation systems—roads, bridges and the like.

And where does it go?

The Buy American laws were largely ignored. However, in the American Recovery Act, in the stimulus bill, money was provided for the additional purchase of railcars, buses, and ferryboats. Somehow, wisely, the Democrats, who

authored the bill, put in a clause that said that that money could only be used—only be used—to buy American-made equipment. So what happened in Sacramento, California, is that Siemens, the large German manufacturing company, decided that they would like to have some of that stimulus money. They wanted to build streetcars, light-rail systems, so they opened and expanded their manufacturing plant in Sacramento to manufacture the streetcars for Austin, Texas, and San Diego—made in America because of a law that was passed. It is a prime example of what can be done when we pass the right law that says that our tax money must be used to buy American-made equipment.

□ 1810

Mr. TONKO. I agree that those are great incentives. If we can provide for employment-linked investments in R&D, in tax credits, that’s a feather in the cap; that is a catalyst that draws a great response, a great reaction. Your indications here of procurement, with regard to Buy America, is very important as one of the cornerstones of our agenda. But also, I think we need to focus on the investments in infrastructure and energy and the investments in a different order of infrastructure, the human capital, the human infrastructure, making certain that we move forward with the training and retraining of the American worker, advancing higher education, certainly looking at pre-K through 12, and providing career path opportunities.

Now I mention that because the employment-linked investments in R&D—bringing back R&D here because where research is, manufacturing follows. So I mention that. But I will use the real-life example of Wynn Kintz, and I have mentioned this before on the floor, but it’s a recent example that is worth repeating.

Wynn Kintz of Kintz Plastics in Schoharie County in the 21st Congressional District in New York State—

Mr. GARAMENDI. Who represents that district? It is TONKO?

Mr. TONKO. Oh, I think it’s PAUL TONKO.

But I use that as an example because in order for Kintz Plastics to compete effectively in a global market, they needed to move to an automated portion of their assembly operations. They worked with the local higher ed infrastructure. And we have the partnerships in this country that have existed for a long time. There is this intellectual exchange of creative genius coming from campuses, working with the private sector, public sector. It happens. It happens to a great degree.

And while they developed this automated assembly process for his industry, they also needed to train the workers on this new equipment so that it brought with it an employment link. And it did that through one of the local community colleges, did an RPI automation design, and then did a Hudson



Valley Community College-driven training process so that you developed the workers you needed.

Now, these are the investments that then produce these very tangible results and very lucrative dividends that enable us to prosper. And that's just one small example, but I see it over and over again in the 21st Congressional District. We're a hub of innovation jobs that are coming: green collar, high-tech jobs, clean energy jobs. That's happening because there is a partnership with government, a partnership where government assumes some of the risk, as we do with ARPA-E, a Department of Energy program which has advanced research project moneys. They expedite some of the ideas, innovation concepts, move them along in much quicker stead so that we can develop the jobs associated with that.

So when you talk about the toolkit here, it's an investment in employment-linked R&D and tax credits; and it's an investment in procurement procedures that link themselves with Buy America; and then it's the work investing in infrastructure of a routine kind: wiring communities, wiring the businesses, making certain that our roads, bridges, and rail are state of the art; and then the human infrastructure: creating programs that train, retrain, and educate workers of the future. You need that in a cutting-edge fashion where we can maintain world leadership.

It takes investment. Other nations have shown us that when they invested, they were able to be the giants in the machine operations, the machine tool operation. So it's possible. It's within our reach, and it's all about reigniting the American Dream.

Mr. GARAMENDI. Well, that reigniting of the American Dream will be dependent upon two factors, that is, the public, the small businesses, the entrepreneurs putting together their businesses. And at the same time, it's going to be dependent upon public policies.

You mentioned education. For the last 2 years, the Democrats have been proposing and pushing a series of pieces of legislation to enhance the ability of Americans to go to school. The Workforce Investment Board, very, very important. I suspect that that was one of the programs that your plastics company took advantage of in retraining. Our Republican friends last year, in the budget and in the appropriations, tried to reduce the workforce investment, but we wouldn't have that, and we've been able to at least maintain it.

We were able, on the Democratic side, to increase the Pell Grants so that kids can go to college. Now, I would hope they would go to college to be chemical engineers, process engineers, and not financial engineers, which I discussed early on. But I think that if we can just continue to support the educational system, including such things as vocational education—we

used to do vocational education in America. We let it go. And as it went, we saw more and more dropouts. So supporting the educational system.

You mentioned—and I think we need to drive this point home tonight—the research side of it. This is something, Mr. TONKO, that you know a great deal about. You headed up, as I recall, an organization in the State of New York that was specifically looking at how to enhance the research within the State. Share that and then also share about our policies, as Democrats, for enhancing research.

Mr. TONKO. Sure. Before my involvement here in the House of Representatives, I served as president and CEO of NYSEERDA, the New York State Energy Research and Development Authority. And it was there that I got to see policy put into action. I had worked in the State assembly. I had represented the 105th Assembly District in the State of New York for nearly 25 years, the last 15 of which I served as Energy chair. So I got to see that energy policy put into action at NYSEERDA where there were very meaningful partnerships with the private sector, where they would retrofit machine operations, manufacturing assembly lines with energy-efficiency outcomes.

Number one, we're the most glutinous user of energy, as a commodity. It is so important for us to become more resourceful. That should be a social economic goal that is embraced by the Nation. But beyond that, it saves money when we enable these companies to embrace these new technologies in a way that creates a more competitive outcome for them, especially as we move more and more to a global marketplace that is the competing ground.

Also, in so doing, there were opportunities to invest in research. Now, not every story in research is a success story; but the wonderful outcomes, when they are a success story, produce the sort of savings of the environment, savings of our energy supply, and savings of the green, the dollars. Those are quantifiable benefits that ought to be encouraged by policy. And here, what I see is us walking away.

We had a hearing the other day on ARPA-E, on the Energy Department's programs that model themselves after DARPA, with the Defense Department, that gave us a lot of strength for our military, that brought about the application of science and technology, high tech.

Mr. GARAMENDI. The Internet came directly from DARPA. DARPA is a defense research agency.

Mr. TONKO. Exactly. Right. And ARPA-E is the mimicking of that in an advanced research area of energy.

Now we're going to sit there and battle over—perhaps denying dollars to concepts like this when we found out at the hearing that it is expertly managed, very tight-fisted, very laser-sharp in its focus, and has outstanding results.

□ 1820

We should produce additional resources for a program like that that enables us to stay ahead of the curve, and that ought to be government's mission. If we are going to reignite the American Dream, if we're going to do it through the support of small business, which is the economic engine of our recovery and our comeback scenarios, if we're going to do it by partnering with entrepreneurs, who are the dreamers who develop the ideas for the future that grow into job opportunities, if we're going to do it through a thriving middle class, that takes investment. It takes focus, it takes policy, and it's what we're asking to have done here—reignite the American Dream, create the ladders of opportunity, the ladders that build us to success. It happened in generations past. We saw it driven by groups that came here seeing this Nation as the land of opportunity, a promised land. Why not bring that pioneer spirit back into the front line of our thinking, front and center of our thinking so that what we witnessed in the 21st Congressional District in the humble beginnings of this Nation—my district was the donor area to the Erie Canal that inspired the birth of a necklace of communities called mill towns that became epicenters of invention and innovation, inspired a westward movement—that's what we can achieve here if we stay focused and we believe in reigniting the American Dream.

Mr. GARAMENDI. The reigniting of the American Dream is going to depend upon, once again, those small businesses out there, the entrepreneurs who are willing to take the risks, willing to take their concept and their idea and put it into a business.

Along the way, the history of America, as you well described it with the Erie Canal, we can look at all of the other great industrial advances that have been made. There has always been a partnership between the government and the individual companies and the entrepreneurs that are out there.

For example, the oil industry has enjoyed for more than a century over \$13 billion a year of tax subsidies to encourage the production of oil. And there is an incredibly successful partnership between the government, not only with tax subsidies but making the public lands available for the exploration and the extraction of oil over the last 100 years, creating the wealthiest industry in the world.

Now once an industry has matured, as has the oil industry, we should remove those subsidies and use those subsidies for the new industries that we need.

We've been discussing since Carter and the first oil embargo the need for American energy security. Most people now believe that American energy security is going to be based upon the continuation of the oil industry and the coal industry at some level, using the natural gas that we now find is

more plentiful than we once thought as a bridge, let the oil and the coal industries wane while we build the renewable industry.

So if we took those tax subsidies that the oil and coal industry have enjoyed for a century, shifted them to the new industries, we could then see a blossoming of the green industries.

In California today, the solar and wind and biofuel industries employ some 320,000 people. It is a growing sector of the American policy. The policies that emanate from Washington, D.C., can either help or hinder that growth. That growth is not only new jobs here in the United States, but it's also energy independence.

The sun shines on the United States. Well, not at night, but it does shine during the day in most parts of the United States. So solar. The wind blows—and I'm not just talking about the wind in this Chamber, but across the Nation. Now, we have to couple that with public policies, and I want to speak to one specific policy, and that is shifting the subsidies that the oil industry has had for a century, shifting those subsidies over to the renewable side of it. Here again on the renewable side, this bill, H.R. 487, I happen to be the author, I'm kind of pleased with this piece of legislation. This bill would require that the subsidies be used to buy American-made solar and wind and other renewable energy equipment.

We should never use our tax dollars to buy a solar panel made in China. We should never use our tax dollars to buy a wind turbine manufactured in Germany. If somebody wants to go out and buy a solar panel using their own money, buy whatever you want. But if it's our tax dollars, buy American. Use our tax dollars to buy American-made equipment. Use that to reignite the American Dream, to build those machines, those solar panels, in the United States. Use our tax money to buy American-made equipment, whether it's a bus, a train, a plane, or a solar panel or a wind turbine. These are public policies that emanate from this House. We can change what's going on in the American manufacturing sector.

Mr. TONKO. Representative GARAMENDI, as you toss out pieces of the puzzle there, it conjures up all sorts of responses that I think we need to provide and share.

You talk about the intermittent nature of renewables. The sun not shining at night, the wind ceasing to blow, you name it. The hydro facilities perhaps if you have a dry season, whatever. We need to advance the notion of the battery as the linchpin to move forward aggressively with a sustainable agenda which renewables can provide. And so the advanced battery manufacturing that I see taking hold in the 21st Congressional District in Schenectady with the GE operation.

Mr. GARAMENDI. Mr. TONKO, why do we keep coming back to the 21st Congressional District?

Mr. TONKO. It seems to be the one that I know the best. But what I see happening there is, again, a great intellect being poured into design and the concepts of advanced batteries. Not only can these batteries move heavy freight, heavy equipment, they can also deal with storage of renewable, intermittent power. Once you do that, now you've solved the reliability issue, which is so important for our operations of energy.

But to your point, not only is it sustainable and not only does it create energy independence, it speaks to our policies from a national security perspective. We are purchasing from some of the most troubled spots in the world. If we're not doing that at the moment, we inspire, we cause the world market to do that, and a cartel controls our destiny. Is that smart? We are sending hundreds of billions of dollars into treasuries of unfriendly nations that can then use that to train troops against our own American forces. So it speaks eventually and very directly to our national security issues.

And beyond that, when you talk about job creation, when we go energy independent, when we become more resourceful, which we ought to pledge to do simply because no matter how it's generated, no matter what the mix of our supply of energy resources, we need to steward those resources in a very, very deliberate fashion, in a way that is resourceful and not wasteful. So we build alternative technologies, we build into a renewable market, and we do the linchpin activity with the advanced battery design and manufacturing all in the U.S., and then we also provide for the training of the workforce.

When we at NYSEDA had invested in our annual conference on workforce development, green collar job development, in one seminar we had the presentation of how they were training plumbers in Germany in a solar hot water agenda where they were able to put together the training that enabled homes in a very aggressive fashion to use solar panels on their house simply for their hot water purposes. What that could do for a State like California or a State like New York, and en masse cumulatively for the Nation, is an incredible savings to our environment, to our job creation, and to energy costs. Absolutely important. Households will do well. Jobs will be created. The environment will be better addressed, and isn't that the goal of a think tank like the House of Representatives?

Instead, why did we ignore manufacturing for a decade and a half? Why did we avoid dealing with agriculture? Why did we not get into sound energy policy?

I ran for this seat simply driven primarily by the lack of a comprehensive energy plan for this Nation. How can a Nation as great as the United States with all of its small business, all of its manufacturing, its industrial sector, its households demanding a better out-

come for energy, how could we not develop a comprehensive energy plan?

□ 1830

It's what the President has asked us to do. He has challenged us, he's challenged us with fairness in the Tax Code, he has challenged us in a way that will inspire the reigniting of the American Dream driven by that notion of small business support, entrepreneur nurturing, and a thriving middle class. It's achievable, and what I would say, we have the format out there, we have the plan, we have work to do. Let's move forward.

Mr. GARAMENDI. There are so many pieces to this puzzle. You've talked about the research; you've talked about the support of new businesses, particularly in the clean energy sector. As we discuss those things, I keep thinking about what is happening. I think very unfortunately, in this debate. It's a political year, and we've got our elections. We have the election of the President and the Senate, all of those things are up, and so we take issues, and we may take a specific problem and drive that problem to the point of destroying other good programs that are under way.

This is happening right now. The Solyndra case, three times on the floor today I heard the word Solyndra come up. This was a problem, this was a company that was supported by a loan guarantee, and it failed. It largely failed because of China's policy of dumping—dumping on to the American market underpriced solar cells. That's why the company failed.

Now we have the opportunity to deal with this; but before I get to how we can deal with that China problem, I want to just ask my Republican colleagues to be very, very careful as they drive this political issue because they may succeed in making this a big political issue for this country; but by doing so, they may cause America to turn its attention away from renewable energy—the very issue you raised, Mr. TONKO.

We have to have energy security, and renewable energy of all kinds is going to be part of that. So we must be very careful. Whatever political advantage there may be to the Solyndra case, be aware, America, that underlying this is an extremely important policy in the United States to achieve energy independence, to free ourselves from the slavery of the oil barons and dictators around the world so that we can have a secure energy system in the United States.

It will, by necessity, involve renewable energy. Solyndra is a problem. Make it into a political problem, okay, but don't turn Americans' view and hopes away from the renewable, clean energy sector. It is vital, and we have to have policies in place to support that, just as we have supported the oil industry for more than a century.

Put that same support behind the batteries that you talked about, Mr.

TONKO; put that same support behind the bio-fuel industry; put that same support behind the solar, wind, and also the smart grid. Right now, in my district, Lawrence Livermore Labs is looking at developing a research program on how to integrate these renewable and variable energy systems into the grid so that they all mesh and provide the energy that is needed by America as it changes hour by hour across the United States—a very, very important research project. All of these things come back to government policy and support. So we must be very careful about that.

I do want to take up the China currency issue and the dumping of, in this case, solar cells on the American market. Would you like to start that discussion, Mr. TONKO?

Mr. TONKO. Just on the grid thing, I would like to make a comment because sometimes it's like we're challenged so that we can walk away from the challenge of the moment, and it's not the best thing for us. In 2003, this Nation witnessed the blackout from Ohio right through southern Canada into the great Northeast, New England, New York and some of the eastern sea coast, all driven by failure in the grid system.

Now, never in that year that elapsed was there much discussion about public policy, and that was a Presidential year that befell the Nation. And it just does not get talked up. Now, finally, historic amounts of investment through the Recovery Act were made in the grid system and challenging us to step it up, do what's required to use state-of-the-art opportunities for smart grid, smart thermostats, and smart meters enabling people to have more control, more destiny over their energy usage and over their energy bills, making certain that, again, we pour ourselves into an investment of a unique type, a historic investment that enables us to go forward with the sorts of responses that we need.

We need the arteries and veins: the transmission and distribution system to wheel the electrons to the workplace and the home place as it's required. And in New York, again, in our bordering of Canada, if we want to import hydropower from another nation and wheeling now, we've moved well beyond the monopoly setting where you had regional situations. Now you wheel from region to region, State to State and nation to nation. We need upgrades in the system just to transport the electrons that are required.

It's not if we're going to do it; it's when we're going to do it. And the chance that we have right now is to move us forward in a way that strengthens this economy, cuts energy costs, provides for more wise use of those energy supplies, enables us to produce the energy ideas if it's alternative technology or energy efficiency or what have you, but this Nation is replete with a history of invention that has come through very thoughtful ap-

plication of what is needed out there by society.

For us to have walked away from those challenges is unacceptable. And that's what the grid is telling us right now. You can lay back and say, hey, you don't need an upgraded train system, you don't need an upgraded grid system, you don't need broadband, you don't need all this technology, and you don't need the investment in R&D. Well, that complacency or the contentment that people might feel with the status quo will get us nowhere. In fact, it will push us farther behind as nations bulk up, invest and stretch their opportunities simply by committing to a progressive agenda. And that's what we call for here, to reignite the American Dream.

Mr. GARAMENDI. Well, that American Dream is going to be held back by unfair trade policies that are seriously harming the American economy. Early on, I put this up. I don't know that you were here at the time. This is the American trade deficit. Much of this deficit is a deficit in trade with China. A lot of that deficit is caused by Chinese currency manipulation. The Chinese currency is undervalued somewhere around 20 to 25, maybe 27, percent, which gives their manufacturing sector a 20, 25 percent advantage because of the currency manipulation.

Mr. TONKO. Representative GARAMENDI, would you yield to a point? I believe I saw earlier a chart that you had on manufacturing jobs. Could you just put that one up on the easel over that pattern there and point to the '97 to 2009 curve? And it's a startling mimicking; those two graphs absolutely mimic each other. I think you can draw a correlation there that deals with the loss of manufacturing jobs as it relates to the trade deficit. I think that is something that ought to guide our discussions, guide our policy development and actually address the sort of response we need in terms of job creation and job retention.

Mr. GARAMENDI. Thank you. I really hadn't noticed, but they almost parallel. One is right on top of the other. You can put that blue line, and it copies the red line that is the growth in the American trade deficit.

I want to just deal with this China thing quickly. We only have another 7 minutes here before we yield the floor. A year ago, this House, with both Republican and Democrat support, passed the China currency legislation that would require the Department of Commerce to put a countervailing tariff on imported Chinese goods if that currency manipulation were to continue.

□ 1840

It went over to the Senate. It did not pass the Senate. This year—I should say, this session, in 2011, the Senate passed a similar bill that would impose a countervailing tariff on Chinese goods as long as China maintained its currency manipulation. It came over to the House nearly 7 months ago. The

Speaker and the Republicans have refused to take up that bill—the very same bill that a previous year we voted on bipartisan.

This is an important piece of legislation because it would deal with two issues: the loss of American manufacturing jobs and the extraordinary trade deficit, that is, the export of American money to China.

It is the policy behind many of the problems in the manufacturing sector, and it is policy changes that we have the power to put in place to reignite the American manufacturing sector, to rebuild it, and, simultaneously, put in place the ladders of success—education, research, entrepreneurship, support of the small businesses—all of those things that actually do reignite the American Dream.

Mr. TONKO, why don't you take the last 2 minutes and then we can wrap up.

Mr. TONKO. Right.

Well, what I hear here is that an election outcome is more important than the outcome for the American worker. And when political party benefit trumps the American worker or trumps America's manufacturing base and trumps hope into the future, that's a regrettable outcome.

What we need to focus on is the big picture. If there is upset and upheaval because we're coming back from what was a very long and deep and painful recession, if that's upsetting news to a political scene, then we have lost the spirit that is required right now to bring America back and to reignite the American Dream.

That reigniting of the American Dream I believe is what people want to see in action. They keep asking Washington to work together in a bipartisan, bicameral, spirited way, work in a way that will engage the policies and advocate for the resources that will build the hope back into the fabric of America's families, her individuals. And it's within our grasp.

These ladders of success, these rungs of opportunity, they are a very achievable goal. We saw what happened when you ignore manufacturing. We saw what happened when you avoid sound agriculture policy. We saw what happened when you didn't get aggressive about an innovative agenda for energy generation, energy alternatives, energy efficiency. These are the things that people are asking us to do as leaders. They say, We asked you to lead, not to sit content with the status quo, not to watch others pass us by.

Our best days lie ahead of us. I'm filled with optimism about reigniting that American Dream. I saw what happened in my district when there was a commitment. You know, the Erie Canal itself, that came about in response to tough economic times. The leadership then said, Let's do this. Let's wed the waters. Let's build a port on the coast out of New York. Let's wed it to the Great Lakes. Let's inspire progress.

And look what happened. That response to troubling economic times drew upon the leadership. It produced the leadership. It gave it a face and it gave it a voice. The message was: We're going to build. We're not going to cut our way to prosperity, cut our way to opportunity, cut hope. We're going to build hope. We're going to build and invest in America, her workers.

Our best days lie ahead of us, Representative GARAMENDI. Thank you for the chance of joining you this evening.

Mr. GARAMENDI. Thank you, Mr. TONKO.

I notice that we still have a minute. I see my Republican colleagues are going to take the floor in a few moments. If I recall last week when they did this, they said the answer lies in doing away with regulations. Clearly, regulations are a piece of the issue.

Mr. TONKO. Were those regulations the same regulations we wanted to take away from Wall Street?

Mr. GARAMENDI. I would hope that they don't want to eliminate the regulations that we put in place to bring Wall Street under control. But regulations are a small part of the overall problem.

There is a large number of other issues, some of which we've talked about today, others of which we will bring up as we discuss, for example, infrastructure, which will be our next piece. But those regulations that are in place today are there for the protection of key parts of the American economy—worker safety, the pollution regulations so that our streams and rivers are not polluted, our air is not polluted, so there's not mercury and other carcinogens in the air, and regulations dealing with the way in which business operates. Now, they can be modified; but be very, very careful if that is your only solution to the demise of the manufacturing sector, because it is but a small part of the overall issue.

We've discussed many of the other parts here today. We ought to be, all of us, Democrat and Republican, alike in dealing with the twin problems: the trade deficit, and the extraordinary and disastrous loss of manufacturing jobs. This is where the American middle class lost it when the American manufacturing sector declined. We can rebuild it with wise public policies. Wise public policies are what we ought to be doing, rebuilding the American manufacturing sector and reigniting the American Dream as we do that.

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

#### SOLUTIONS FOR AMERICA

THE SPEAKER pro tempore (Mr. YOUNG of Indiana). 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 my privilege and honor to be recognized by you to address you on the floor of the House of Representatives.

It's also my privilege to be here to listen to the presentation of the gentlemen from essentially the east coast and the west coast present their version of solutions for the United States of America.

If I can just take that, Mr. Speaker, and roll it backwards from bottom to top rather than top to bottom. I hear their concern—and I share concerns—about the loss of American manufacturing and the loss of American trade and the trade deficit that we do have. I hear the advice, which is we should have wise public policies that we should advance going forward that would be good for American manufacturing, good for American trade, that would bring about the refurbishment and the renewal of American manufacturing and bring about a balance in trade and perhaps a surplus in exports, which is good for this country because we would rather collect IOUs than issue IOUs.

I agree with the gentleman on both of those points, and I suspect we don't agree on how to get there to those points, Mr. Speaker. But I would make this point, that the United States has been a very strong, industrial Nation. In fact, at the end of World War II, we were the only industrialized nation in the world that had an established, globally competitive industry that had not been devastated by the war. We had a surplus of exports because here in the United States we could produce things, we could make things, we could export them to the rest of the world, and we did. We did it with military supplies. We did it with all kinds of industrial supplies. The United States of America was the industrial powerhouse of the world. Much of the rest of the industry had been destroyed, and we had built ours up in that period of time in order to supply the global World War II war effort. So the United States' industry was the preeminent industry in the world.

Why was it?

Because of the reasons I've said, plus we were competitive. We had a wage and a salary and a benefit package that was competitive. We had American workers that were more productive than any other workers in the world. We had a well-educated workforce. We had a work ethic. We had a work ethic where we took great pride in being able to go to work. If we punched the clock, we produced more per hour that we were out there on the floor of that factory than anybody else in the world because of a number of reasons: American ingenuity, American industriousness, and America's work ethic. We did those things, and we set the standard for the world. That carried us beyond World War II, through the fifties, through the sixties, through the seventies, into the eighties, and actually into the nineties.

Over a period of time, as the gentleman's charts show, America's industry began to lose its competitive advantage with the rest of the world, and the rest of the world began to catch up.

□ 1850

I saw the signs of that. I saw the signs of it in the fifties, when we would get close to New Year's—and just think of Japan, Japan devastated in World War II. A lot of their production facilities were in homes, not in factories. And they had factories too. And they were bombed, and they were burned, and they were destroyed, and the tragedy, all that is part of history that I don't care to address here tonight, Mr. Speaker.

But in the aftermath they needed to start up something. They needed to produce goods and services that had a marketable value, both in Japan and abroad, and they did. And the things that showed up here were paper goods, little things like when it came time to celebrate New Year's, there would be a little Japanese whistle that would blow out like the tongue of the dragon and roll back up again. That way we got those paper products coming from Japan because that's what they could do. They could make them. They could produce them. They could sell them. They could make a little money selling those things to Americans. And that would be in the fifties.

In the early sixties, what came along? Well, transistor radios. And there would be the Toshiba radio, Japanese-made, portable transistor radio that you could carry around with you out on the farm and listen to the radio. How about that? What an idea of an invention.

I didn't mean that that was a Japanese idea. It was a Japanese-produced idea that could compete with the American production. And so they sold radios, made in Japan, into the United States, and a lot of young American kids carried those Toshiba radios around, and other portable radios, in order to listen to rock music of the time. They didn't have talk shows at that time, not that I remember anyway.

And so slowly the Japanese began to ramp up their industry. They went from paper toys to radios, to optical equipment. Some of the best optical equipment in the world was produced in Japan. It still is, for that matter. And so they made binoculars and cameras, and they created a culture of people that love their cameras, and they evaluate those cameras made in Japan and how they compete with the rest of the world. And if you watch the Japanese tourists, they're here using their cameras on a regular basis.

Now, all the ways they've ramped up to be able to compete with the rest of the world, here we sat in the United States thinking that somehow or another this wave that we had caught would forever carry us, and our industry slowly began to atrophy, slowly began to lose its competitiveness.

And it reminds me of a study that was done by a Russian economist who was commissioned by Lenin back in the second decade of the 20th century, when Lenin decided that he wanted to

find an economist who would prove that capitalism would eventually expire, that it was a self-defeating economy. So he hired an economist, or ordered him to produce a product, and his name was Kondratiev.

Well, the economist Kondratiev put together the theory that Lenin had directed him to produce, which is that capitalism would expire, that it was self-defeating, that even though it might have brief bursts of success, eventually that it would run out of energy and it would expire and diminish and, essentially, that would be the end of the wave of capitalism.

So Kondratiev sat down, and he chartered the free enterprise economy going clear back to the 18th century and earlier, and he tracked unemployment, gross domestic product, the output of the nations, and followed the industries. And when he tracked this cycle of capitalism in the effort to prove his charge that had come from Lenin, it was this: That yes, capitalism does decline, that the capital investment and the unemployment and the GDP of the countries that have free enterprise economies does diminish, but it diminishes down to a point where it regenerates itself again.

And when looked at, and this was a study that was back in the dusty volumes at MIT University and much forgotten about until there was a computer study that was done, and somebody remembered that they had read Kondratiev's study that was back in the annals at MIT. Now, they went back and dusted it off and compared it to the modern computer analysis which now is a generation old, and they concluded that the computer analysis of the cycles of capitalism matched that of Kondratiev, whose theory was this: that we have a 52-year cycle.

Now, I don't stand on that it's 52 years or 75 or 25 or any year other than that. But the theory that he uses to explain his 52-year cycle is instructive to all of us, and that's this: That when you hit the bottom economically, when your GDP has bottomed out, when your unemployment rate is at the top, and when your capital investment is at the bottom, you look around, as a society, a culture, and economy, and you think we have to do something. What are we going to do?

And the psychology of that is that all of us sitting at the bottom of the economic cycle, with high unemployment, low GDP and low capital investment, we see that if we keep doing the same thing over and again, we're going to end up with the same result. And we don't like where we are. We don't want to be where we are in 4 or 5 or 10 or 20 years or a generation or two, so what will we do that's different?

And I've lived through this a time or two, especially during the farm crisis years of the eighties, when I saw that land values were spiraling downwards to perhaps as low as a third of what they were just a few years before, market prices going downwards the same

way. We rely on rain. It couldn't rain. The markets didn't produce the value for the crops that could be raised, and the land values went down. Everything was spiraling downwards.

But what was going on was the manifestation of Kondratiev's theory springing up, and people who had no immediate hope economically began to put together a strategy for the long term so that we would have a successful economy. And it matched almost perfectly with Kondratiev's theory, the Russian economist's theory, which is that when your economic cycle reaches the bottom, and everything is sitting down here with the low capital investment, high unemployment, low GDP, people are looking for a way to solve those problems. So their creativity kicks in and they begin to think and talk and dream and pray about what kind of ideas can come to fruition to reverse the cycle, the downward cycle that they are in.

And so they begin to come up with new inventions, and they come up with new efficiencies. They come up with new business models. And as these ideas are generated, the ideas have to catch the kind of energy that can attract capital.

Now, there's not as much capital in a low economy as there is in a high economy, but there's much more demand for it. And so you go out with your ideas and you market them, and you attract the capital to generate these ideas.

This is what we did at the beginning of the dot-com bubble. If you remember, we learned here the creativity of a bad economic cycle was a contributing factor to developing the microchip and the ability to store and transfer information more effectively and more efficiently than ever before. And thus was born the dot-com bubble, the creation of the boom of the dot-com.

And that was, once investors saw that ability to store and transfer information more effectively, more efficiently than ever before, they began to invest in it because they believed that transferring that information, storing and transferring it, turned into a profit share. So they invested their capital, and the profit share began to get injected into the dot-com, and the dot-com bubble was born.

Now, the mistake with the dot-com bubble was just an adjustment in investment. But what really happened was there was an overexuberance in investment during the dot-com bubble years, and those were the years that the middle of the nineties were the beneficiaries of. The overexuberance in investments reflected the understanding of the investment community, the attraction of capital to these dot-com ideas, these creative ideas, to store and transfer information more efficiently than ever before.

The creativeness of that was not regulated by this realization that storing and transferring information didn't necessarily translate into profit; that

it had to create efficiencies in order to be translated into profit. So we had an overexuberance in investment. The dot-com bubble began to swell. And when, under the Clinton administration, the Justice Department filed a lawsuit against Microsoft, that was the lance that pierced the dot-com bubble. The dot-com bubble collapsed.

But the growth that came was the growth that came from the understanding that we had created an ability to be more efficient than ever before, and the adjustments were in the aftermath.

Well, that fits exactly within Kondratiev's theory. We had hit the bottom economically. The creative people were looking around for something that they could do to change that paradigm. And what they came up with was the microchip and the other tools of software that allowed us to store and transfer information more efficiently than ever before, and being able to do that caused people to invest more, start new businesses, to transfer efficiencies around the country, and to increase our efficiencies.

If you think for example, just in the trucking industry, the software packages that would allow truck dispatchers to click the mouse rather than make a judgment decision and send a truck to Portland that could drop a load off there and go to Seattle and circle back through Montana and drop off a load and come back to the warehouse in, say, Des Moines, for example. Many more efficiencies were created by software packages that made the decisions instead of fallible mortals that were using judgment calls while they were under stress on the fly.

□ 1900

All of those things fit back to Kondratiev's theory, his theory that during hard economic times you would generate ideas. Some of those would be good ideas. The good ideas would attract capital. The capital would be invested. The invested capital would bring about new technology. The new technology would bring about increased efficiencies. Increased efficiencies increase productivity. Increase the GDP, the gross domestic product, increase GDP. Of course it was good for the wealth of the Nation. And once you reached the apex of growth in the GDP, you ended up with a sense of success, a sense of complacency where we have arrived, we have invested our capital, we have invented our new methods to produce more goods and services more efficiently than ever before, and we've translated that into profits. Now, let's just keep this ball rolling down the road.

As you keep the ball rolling down the road—you don't realize it at the time, but the complacency of the continued day-to-day success brings about that idea of let's just hold on. Let's not create new. Let's just ride this out. And societies, economies, cultures ride out the successes. When they ride out the

successes—if competition doesn't catch you first from a foreign country—even-  
tually those successes are riding on the  
capital investment of decades gone by,  
and the efficiencies diminish in propor-  
tion to the depreciation of these cap-  
ital investments and also in proportion  
to the creativity of the competing  
economies. When that happens, you  
don't know it, but you're going down-  
hill.

I think of a poster that I saw in a  
friend of mine's house years and years  
ago. It is a picture of a little boy sit-  
ting on a tricycle, and he has his hands  
on the handlebars and his feet up off  
the pedals. He's got a big grin on his  
face, and his hair is blowing back be-  
hind his head. Underneath the poster  
picture, it says: If you're coasting,  
you're going downhill.

Mr. Speaker, there are many econo-  
mies in the world throughout history  
that have reached the apex of their  
growth and they have decided they like  
where they are. They get complacent  
and they begin to coast. If they are  
coasting, they are going downhill. Each  
economy, each society, each culture  
gets to that point where they start to  
coast and they go downhill. The soci-  
eties and cultures that see it a dif-  
ferent way, that understand that you  
have to constantly be innovating, you  
have to constantly be creating, you  
have to constantly find a way to be  
more competitive, they are the ones  
that show up in the Super Bowl of the  
global economy.

When I listen to my colleagues from  
the east coast and the west coast talk  
about what's wrong and what we need  
to fix and we need manufacturing jobs  
and that we've exported these jobs  
overseas, I would say to them, you've  
been advocates for the policies that are  
protectionism. You tried to protect the  
union jobs in the United States. You've  
opposed the free trade agreements that  
we've negotiated with foreign coun-  
tries, including South Korea, Panama,  
and Colombia. And just being the  
voices of the unions that you rep-  
resent, you have insisted that we have  
trade protectionism and that the work-  
ing conditions and the jobs and the  
benefits packages that are negotiated  
in places like Colombia or South Korea  
be similar to those that are negotiated  
here in the United States.

Mr. Speaker, we can't change the pol-  
icy in South Korea; we can't change it  
in Colombia; we can't change it in Pan-  
ama; and we can't change it in places  
like China or other places in the world.  
They are who they are, and they will  
compete within the limits of their abil-  
ity to produce. If we have policies that  
diminish our ability to compete, then  
we are going to have a lower market  
share, and no amount of Congress pos-  
turing itself for the people that write  
campaign checks is going to change  
that competitiveness. We've got to be  
competitive.

What would I advocate? What is my  
solution for this? I could go down  
through the list. They talked about the

American Dream and they talked  
about trade agreements, and they  
talked about manufacturing jobs and  
exporting our jobs overseas and the ex-  
port of American manufacturing to  
China. They talked about trade protec-  
tionism and they want to reignite the  
American Dream. So do I. I would like  
to think that it still burns. It burns  
based upon American liberty, Amer-  
ican freedom, American opportunity.  
And what makes this country great  
would be a wonderful discussion to  
have between Democrats and Repub-  
licans here in the United States Con-  
gress. We seldom have any discussion  
like that.

What makes this country great?  
What are the underpinnings that has  
grown this country into the unchal-  
lenged greatest Nation in the world?  
Yes, we have our contemporary trou-  
bles. We remain the unchallenged  
greatest Nation in the world economi-  
cally, culturally, militarily, politi-  
cally. We're the unchallenged greatest  
Nation in the world.

Why?

I challenge my colleagues to embel-  
lish the things that I'm about to say,  
but I would say this: We have God-  
given rights, God-given liberty. This is  
not a manifestation of STEVE KING and  
the modern world in 2012 telling you  
something right now. This was a deep  
conviction of the American Founders  
that we have rights that come directly  
from God. We get our rights from God.  
We don't get them from man. We don't  
get them from government. If govern-  
ment gives us rights, then who are we,  
if government decides to take our  
rights away, who are we to complain?  
They are the all powerful. They are the  
omnipotent, the government.

Our rights come from God, and our  
Founding Fathers all knew it and they  
signed off on the Declaration of Inde-  
pendence. We're endowed by our Cre-  
ator with certain unalienable rights.  
These are the rights that are the foun-  
dation of American vigor. Think about  
the breadth of what this means.

America has received immigrants  
from donor nations all over the world.  
I believe every nation in the world.  
Why do they come here? Because they  
are inspired by the American Dream,  
the image of the Statue of Liberty—  
not necessarily the inscription, but the  
image of the Statue of Liberty. It says  
all of you who come here legally into  
the United States have an opportunity  
to access the American Dream. When  
you access the American Dream, you  
have an obligation to leave this coun-  
try and this world a better place than  
it was when you came. And into that  
bargain is this: God-given rights.

We are the only country in the his-  
tory of the world that has been founded  
upon that principle. Others might as-  
pire to it, others might look across the  
ocean here to the United States and as-  
pire to God-given liberty, but this is  
the only Nation in the world that is  
founded upon it. And the beacon that  
comes out of the Statue of Liberty, the

beacon of that liberty, itself, is what  
attracts people here to the United  
States. When they get on that ship or  
on that plane, or whatever their meth-  
od of transportation is to legally come  
into the United States, they come for  
the dream. They are attracted by the  
freedom of speech, the freedom of reli-  
gion, freedom of press, the right to  
keep and bear arms, the protection  
against double jeopardy, to be tried by  
a jury of your peers, to have property  
rights.

There is a State's right component of  
this that devolves these powers down  
to the States so each State can be a  
laboratory; and the Federal Govern-  
ment is to be a hands-off minimalist  
government, not an all-powerful, om-  
nipotent government.

Mr. Speaker, that vision, that attrac-  
tion, that magnetism of American lib-  
erty brings people from all over the  
world here to the United States.

Who does it bring?

We have the visa lottery, and even  
that gets a better cross section of the  
global humanity than you would have  
if you just went out and did a random  
selection of 6-plus billion people on the  
planet and brought 50,000 in under the  
visa lottery. At least those that sign up  
for the visa lottery have a dream: They  
want to come to America.

And 50,000 a year get lucky and cash  
in on the visa lottery. I think it is a  
bad policy. And you add the visa lot-  
tery to the family reunification plan  
and a number of other plans that we  
have, and anywhere between 93 and 89  
percent of the legal immigrants in  
America are not measured by their  
merit, not measured by their ability to  
contribute to the United States; they  
are measured simply by their ability,  
their desire to come here, or if they  
have a family member to come and  
join, or if they got lucky in the visa  
lottery, or if they happen to receive  
asylum as directed by the Secretary of  
State or some other method.

□ 1910

But we only have between 7 and 11  
percent of legal immigration where we  
actually set the criteria here in this  
country. The Constitution says that  
our job is and that Congress has an au-  
thority to establish a uniform form of  
immigration. Well, "uniform," to me,  
would mean a standard for everybody  
who comes into the United States, and  
I would set that policy to reward those  
people who could most contribute to  
the United States of America.

Why wouldn't you have an immigra-  
tion policy designed to enhance the  
economic, social, and cultural well-  
being of the United States?

That's the logic and the rationale  
that we had when the Constitution was  
drafted and when it was ratified. It  
should be our logic and our rationale  
today, Mr. Speaker.

But what's good? There are many  
good things about our immigration pol-  
icy, but what's good?

In particular, it is that it has at-  
tracted the cream of the crop of every



donor civilization on the planet. Every country that contributed immigrants to the United States has sent us their dreamers, their doers, their workers—those people who wanted to access the American liberty and develop out the American Dream.

So, when you think about America as being an appendage of England or Scotland or Ireland or Italy or Ethiopia or Colombia or any other nation on the planet, we're not an appendage of that. We're the country that set up the filter, that screened out those also-rans—those people who had only a mediocre dream—and let through that filter people who had the exceptional dream, the dream that gave them an exceptional energy, an exceptional vision, an exceptional desire to come here and add to American exceptionalism.

American exceptionalism is built upon those liberties, those rights—the freedom of speech, religion, the press, to keep and bear arms, the protection from double jeopardy, property rights, States' rights, to be tried by a jury of your peers. The list goes on. It's all of those things, and free enterprise capitalism is an essential component.

If you want to be naturalized into the United States and if you want to study for the naturalization test, then you can use the flashcards—the glossy flashcards put out by CIS, Citizen Immigration Services—to study in order to become a naturalized American citizen. They have these little flashcards. You look at them, and on one side, it will say a question such as: Who is the Father of our country? Snap it over and it says—we all know the answer, Mr. Speaker—George Washington. Then you pick up the next card, and it might say: Who emancipated the slaves? Snap it over: Abraham Lincoln. The next card: What is the economic system of the United States of America? The President might flunk this, but the answer is—snap it over—free enterprise capitalism.

Those are principles that give us American vigor. When you look at the American vigor and the component of that and at the American vigor that comes from a filter, the filter of the difficulty of legally coming into the United States that skimmed the also-rans out and skimmed the global vigor in and redirected them into the United States, we have this saying: The dreamers came to America. The doers came to America. We are an American vigorous civilization and society of people who came here because they wanted more opportunity than they had in the country that they left. There was only one place they could go that had the opportunity that matches that, and it was the United States of America. They came here to do, and they did. They came for religious freedom. They came to raise their families. They came to leave this country a better place than it was, and they succeeded in all of that.

Mr. Speaker, the United States of America is the unchallenged greatest

Nation in the world because of the fundamental principles, the fundamental rights, the fundamental American liberty—that exercise by dreamers and doers who stood on principle, who came here for religious freedom, for economic freedom, for property rights, for all of the things that are listed and laid out in the Bill of Rights. They were not just a mediocre cross section of the global population. They were the dreamers, the doers. The vigor of the planet came to the United States of America, and this vigorous American character, culture, and personality is unsuitable for the nanny state. It's unsuitable for the nanny state. The nanny state cannot be used and should not be used to oppress a free people—a people of vigor, a people of personality, a people of can-do spirit.

Yet here we are with what happened in the last Congress. The ruling troika imposed upon us Dodd-Frank, ObamaCare, and they tried to impose upon us cap-and-tax. All of them should be rejected by a vigorous American people who will regulate themselves, who will moderate and control themselves, who will set their own moral standards, and who need to have those standards implemented and enforced at the closest level to the people as possible. That's the cities, the counties, and the States, not the Federal Government, Mr. Speaker.

So I think it's important for us to realize and recognize that the American people are a unique race of people, that we are not like anyone else on the planet. We may not look like anyone else, but underneath whatever those looks might be of your idea of what a cross section of Americans are is an American vigor, an American personality, an American culture, a common sense of history, a can-do spirit, people who are members of the society and the culture and the civilization of the unchallenged greatest Nation in the world. We derive our strength from free enterprise capitalism, Judeo-Christianity, Western civilization. That's the core of America, the vigor of America, and that's what we must continue to protect, regrow, and refurbish.

Mr. Speaker, I am aware that the clock is winding down, and whether there is another speaker who is about to arrive, I have more in me, but I would pause for a moment to receive my instruction from the Speaker.

The SPEAKER pro tempore. The gentleman has 30 seconds remaining.

Mr. KING of Iowa. In which case, Mr. Speaker, I would recap this with my gratitude to the American people: We are here. We are putting a mark in place for posterity, and posterity watches us today. They're inspired, and they're informed by the actions of this Congress and by the actions of the President.

As I watch what unfolds here in the continuing growth and dependency and in the growth of the regulatory class in society and as I think about the growth of the nanny state—the nanny state

that seems to think that it can be the protectorate for all of us and that somehow we can't make decisions for ourselves and for our well-being—Mr. Speaker, yes, we can, to quote the President, but not in any foreign language like “*si se puede*.”

Thank you, Mr. Speaker. I appreciate your attention and the opportunity to address you here on the floor of the House of Representatives.

I yield back the balance of my time.

#### THE WORLD ACCORDING TO OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. BARTLETT) is recognized for 30 minutes.

Mr. BARTLETT. Thank you, Mr. Speaker.

Oil is about \$100 a barrel. We're in a recession. The United States, just a couple of years ago, used 22 million barrels of oil a day. Now we're using less than 19 million barrels of oil a day, and still oil is \$100 a barrel in the middle of a recession. We are also producing more oil in our country than we did last year for the first time since 1970. The production of oil has increased this last year. Every year before that, the production of oil was lower than it was the preceding year. Now, with Bakken oil, we're producing a bit more than we did last year.

So why, with increased oil production and decreased oil use in the middle of a recession, should oil still be \$100 a barrel?

This is really hurting our economy. It increases the cost of just about everything we use because, if you've got it, a truck probably brought it, and the increased fuel cost increases the cost of just about everything, therefore, that we have.

□ 1920

I believe the most important speech given in the last century was given in 1956 on the 8th day of March in San Antonio, Texas, by an oil geologist known as M. King Hubbard. We need to put his speech in context. At that time, the United States was king of oil. We produced more oil. We used more oil. We exported more oil than any other country in the world.

On this 8th day of March in 1956, M. King Hubbard made an astounding prediction. He said that in just 14 years, the United States would reach its maximum oil production. He wasn't sure what that number would be. But he made the prediction that we would reach our maximum production in 1970, just 14 years later, and no matter what we did, it would continue to go down after that. And from 1970 until about a year or so ago, that was true.

Here I have a chart that shows what has happened to oil production in our country. A whole lot of it comes from Texas, as you can see from the lower dark blue below, and the rest of the United States is the lighter blue above.

The kind of orange here is natural gas liquids. That's not in your gas tanks. That's propane and butane and chemicals like that.

M. King Hubbard made his predictions using only the contiguous 48. He didn't include Alaska, and he didn't include the Gulf of Mexico in his predictions. He made that prediction in 1956, about here. In 1970, as you can see here, we reached our maximum production in the lower 48, and it went down pretty consistently after that. Then we found oil in Alaska, a lot of it. And there was a little blip on the way down when you add that to the oil to the rest of the United States and Texas. And then a little later were the fabled discoveries of oil in the Gulf of Mexico. And you can see what that did—you can hardly see the blip there. A lot of oil, but we use a lot of oil.

The world uses 1 billion barrels of oil every 12 days. It's pretty simple arithmetic: 84 million barrels a day by about 12; that's 1,000 million, which is 1 billion barrels of oil every 12 days.

Oh, by the way, the M. King Hubbard that predicted that the United States was going to peak in 1970—of course he became a legend in his own time because he lived well beyond that, and he was exactly right. Relegated to the lunatic fringe for maybe 15 years or so, he became a celebrity after his predictions came true.

And he predicted that what happened to the United States had to happen to the world. Oil is finite. One day, it will run out. One day, we will reach our maximum production, after which it will tail off in the world, just as it did in the United States.

Now if you think that, collectively, the world is brighter and cleverer, and so forth, than the United States, then you might think that that won't happen. I think that we are the most creative, innovative society in the world. And if we couldn't turn it around, I think it's unlikely the world is going to turn it around.

Well, here is a chart from just a few years ago: Peak oil, this is a plateau. The maximum production is called peak oil. And the question was asked, Are we there yet? Because you see, these curves have flattened out. These are from the two entities that do the best job of cataloging the production and use of oil, the EIA and the IEA. It's the same three letters of the alphabet turned a bit. One is a creature of the OECD, and the other is a part of our Department of Energy.

They both, as you see, had a plateau here. And look what happened to the price of oil. Now this was a little bit before it peaked at \$147 a barrel and the economy collapsed, along with the housing market. That was kind of a double whammy, with both the housing market and the price of oil at \$147 a barrel. When the economy came tumbling down, oil dropped to something under \$40 a barrel, and it has steadily climbed since then up to now around \$100 a barrel, where it has been for several months now.

Are we there yet? Well, just recently we've had two charts produced by one of those entities, the IEA, the International Energy Agency. This is called the World Energy Outlook. The chart on top here is from 2008, and the one on the bottom is from 2010. Now if you look at their Web site, you're going to have trouble finding the chart from 2008. They have purged their Web site of that chart. And in a few moments, you will understand why they purged it.

Let's look at that chart. This dark blue is conventional oil. That's what we looked at before in the production of the United States. And it's been going up now for a very long time. If you started back here 150 years ago at zero, and then we pumped more and more and more. And now the total liquids—not all of it oil; some of it is natural gas liquids—are up to about 84 million barrels of oil a day.

Now they are predicting just exactly what M. King Hubbard predicted, and that is that there would be a peak, and after that peak, it would fall off. And you see, they are predicting a fairly dramatic falloff in the production of oil from the fields that we are now exploiting.

But predicting out to 2030, they believe that by then, we will have a total liquid fuels production of about 106 million barrels of oil a day that will be made up of increasing amounts of natural gas liquids. And that will happen. We have found a lot of natural gas, so those will increase.

The green here is nonconventional oil. That's going to also increase. That's oil like the tar sands of Alberta, Canada, that won't flow. You have to lift it with a 100-ton shovel and put it in a truck that hauls 400 tons. And then you cook it into what we call stranded natural gas. That is natural gas where there aren't very many people to use it. So it's kind of stranded, so its price is less. So you can afford to cook this oil with it. And that's going to grow too some.

And then they make two predictions here. That this light blue is production from fields that we've found but are too difficult to develop, like a field found in the Gulf of Mexico under 7,000 feet of water and 30,000 feet of rock. I heard a number. I have no idea how you get this precise. But it was said that when oil was \$111 a barrel, they could afford to develop this field. So this is projected production from fields that we have found but are, with the current price of oil, too difficult to develop, uneconomically feasible to develop.

And then the bright red here are fields yet to be discovered. The dark red here really belongs as a part of the oil down here. It's a little bit of additional conventional oil we've gotten by what we have called enhanced oil recovery. That's pumping some live steam down there or pumping some CO<sub>2</sub> down there or, in Saudi Arabia, pushing some seawater down there. And

some of their wells now are producing seven times as much seawater as oil, but it's okay because they can separate the seawater from the oil.

Okay, two things about this chart: Note the falloff in production from conventional fields, and note that by 2030, 106 million barrels of oil a day projected—that's what the world is going to be producing. Just 2 years later, in 2010, reality is setting in—that's the lower chart down here—reality is setting in. Now they are up by 35, 5 years later, now they're up to only 96 million barrels of oil a day, not 106 million barrels of oil a day. This is 5 years later, when it really should have been higher.

□ 1930

These top two curves here have been reversed and the colors different, but they are exactly the same thing. This is unconventional oil and this is natural gas liquids. Notice the precipitous decline in production from our current fields. And this includes, by the way, the enhanced oil recovery. You see it is in this chart, but it doesn't exist in this one because they have now incorporated and included where it belongs, and it is part of the conventional fields where we are now pumping from.

Here they show two huge wedges. To keep this production going up slightly, they show two huge wedges here. Notice how considerably bigger they are than the ones they projected just 2 years earlier.

I don't think that these two wedges are going to occur. They did not occur in the United States. Now today we have technologies that we didn't have there, like horizontal drilling and fracking. So we can get more out of a field than we could then, and we are going to go down and get some more oil out of fields that we thought were exhausted with this new technology.

When you find a field that produces 10 billion barrels of oil, that is a big field. We have not found very many fields that produce 10 billion barrels of oil. That will last the world 120 days. Every 12 days, we use a billion barrels of oil.

Now, I think you can see why you can no longer find this projection they made in 2008 in their Web site, because it is just not consistent with the reality that they are forced to use in projecting here just last year, in 2010.

I will be enormously surprised if these two wedges occur. There is little evidence that they should occur. They did not occur in our country. Unless you think the world is incredibly more capable than the United States, then you will have some doubts whether those two wedges will occur or not.

If they don't, this top curve is going to tip over for the world just exactly the way it did for the United States. We're not running out of oil. Many people who are disparaging, people who talk about peak oil will say that the peak oil people say we're running out of oil. We're not running out of oil.

There is a lot of oil out there. There is more oil out there to be pumped than all of the oil that we have pumped in the last 150 years. What we're running out of is our ability to pump that oil as fast as we would like to use it.

This next chart is an interesting one. It kind of puts what we're talking about in perspective—the world according to oil. This is what the world would look like if the size of the country was relative to how much oil reserves it had.

You see here that Saudi Arabia kind of dominates the planet. They do for oil reserves. They have, we believe, maybe about 22 percent of all the reserves in all the world. Now, we aren't quite sure of that because a Wikipedia leak a few months ago indicated that they may have 40 percent less oil than they've said.

Let me explain what happened back when OPEC could produce more oil than the world needed and increased production would drive down prices. And so they had an agreement in the OPEC nations that you could pump a certain percentage of your reserves. So if you were a country that needed some more revenue, you simply had more reserves. And without finding any new oil, you can look back through history and see that some of them magically had maybe twice the reserves that they had. They didn't find any new fields; they just said they had twice the reserves in the fields they already had. Then you see, they could pump more oil. None of these OPEC nations will let our technical people in to look at their records so we really don't know how much oil they have, but we believe that it is relatively like this.

You see little Kuwait looms huge on the world scene in terms of how much oil they have. Iraq, Iran, huge amounts of oil. Venezuela really dominates our hemisphere, doesn't it. It's bigger than all of the rest of the countries put together in terms of oil reserves.

And here we are, the United States. We have 2 percent of the reserves of oil in the world, and we use 25 percent of the world's oil, a little less now because our cars get a little better mileage and our economy is down a little so we're using a little less, but roughly 25 percent of the world's oil.

Our number one importer is Canada. They have less oil than we, but they don't have very many people up there to use it, so they can export it to us.

Until a couple of years ago, our number two importer of oil was Mexico. They also have less than us. Now, they have a lot of people, but their people are too poor to use the oil so they can export it. Just a few years ago, the second largest oil field in the world, the Cantarell oil field in Mexico, started in rapid decline, declining as much as 20 percent a year in production. So now Mexico is our number three importer and Saudi Arabia is now our number two. Mexico has been displaced by Saudi Arabia.

Look at China and India over there. Tiny. China with a 1.3 billion people, India with well over a billion people,

with an economy in China that's growing—well, in a recession; they've slumped. They were 16 percent growth, and now I think they are something like 8 percent growth, and India is not far behind them. With a static oil production of 84 million barrels a day, and China last year used 6 percent more oil than they did the year before, where is it coming from? We used less. We used to be 22 million barrels a day; now we're less than 19 million barrels a day. And some of the poorer countries of the world just can't afford the oil so they are doing without.

This disparity between the people who are using the oil and the people who have the oil is going to set up some huge geopolitical tensions in the world. China last year sold more cars than we sold, and that curve is accelerating. China is now the number one polluter in the world. They just passed us. China is buying up oil all over the world. I wonder why.

We have only 2 percent of the oil in the world, and we use 25 percent of the oil in the world, and we're not buying oil anywhere. We don't need to because all you need to do is go to the global oil auction and have enough money and be the high bidder or participate at the bid price, and you get all the oil that you need if there's enough to meet everybody's needs. So why is China buying oil? They aren't just buying oil; they're buying goodwill: you need a hospital, soccer field, roads.

Simultaneous with buying oil reserves all over the world, China is also aggressively building a blue-water navy. They soon will have more ships than we. They aren't our ships yet by a long shot, but this year they will graduate seven times as many engineers as we graduate, and about half of our engineering students are Chinese mostly and some India students.

We can't for long have that disparity between the graduates of engineers and our two countries and we continue to be the world's premier economic and military power. We have got to do something to capture the imagination of our people and encourage our young people to go into careers of science, math, and engineering.

Let me tell you what I think may happen; I hope it doesn't. Why would China buy oil while they're simultaneously very aggressively building a blue-water navy and building capabilities for denial. There is now—look it up—a Chinese anti-ship missile that we essentially have no defense against. It travels 1,200 miles. There's no reason they can't put it on a ship, which means you couldn't get within 1,200 miles of a Chinese ship that had this missile on it unless we developed some defense against that missile.

□ 1940

Let's hope the time does not come when China says, hey, guys, I'm sorry, but we have 1.3 billion people. We have 900 million people in rural areas that, through the miracle of communications, know the benefits of an industrialized society, and they're saying, hey,

guys, what about us? And our empire may unravel if we don't meet the needs of those people, so we can't share our oil. It's ours, we bought it, we can't share it, and we've got to have it. That would plunge the rest of the world into a recession, and China then would have to look to their population as consumers for the goods that they produce. And 1.3 billion people could be a pretty big consuming population.

The tragedy is that your government has paid for four different studies, two of them issuing in '05 and two of them in '07, that said the same thing, the peaking of oil is either present or imminent with potentially devastating consequences. Your government chose to ignore those four studies because it was not politically expedient to admit that we had a problem of those proportions.

Now, we should have known that those predictions were coming because a very wise man in what, I think, was the most insightful speech of the last century, M. King Hubbert, gave the most important speech. I think that Hyman Rickover, the father of our nuclear submarine, gave the most insightful speech just about a year later. I don't know if these two men knew each other, but on the 15th day of May in 1957 to a group of physicians in St. Paul, Minnesota, Hyman Rickover gave a speech that was lost until a few years ago, and now you can find it on the Internet. Just Google for "Rickover" and "energy speech" and it will come up.

He said some things there that should have been self-evident, and everyone should have been saying it; but it took Hyman Rickover to say the obvious. There is nothing man can do to rebuild exhausted fuel reserves. They are finite. The Moon is not made out of green cheese; the Earth is not made out of oil. One day, it will be gone. They were created by solar energy 500 million years ago and took eons to grow to their present volume.

In the face of the basic fact that fossil fuel reserves are finite, the exact length of time these reserves will last is important in only one respect: the longer they last, the more time do we have to invent ways to live off renewable energy—you've heard of renewable energy—or substitute energy sources and to adjust our economy to the vast changes that we can expect from such a shift.

Have you noticed we've been doing that? I haven't. I love this last quote here because I think it pretty well describes where we are and what we're doing.

Fossil fuels resemble capital in the bank. A prudent and responsible parent will use his capital sparingly in order to pass on to his children as much as possible of his inheritance. A selfish and irresponsible parent will squander it in riotous living and care not one whit how his offspring will fare.

Drill, baby, drill. And the unspoken part of that mantra is the hell with our

kids and our grandkids, let them shift for themselves.

I remember when the Vice President came and asked me if I would vote to drill in ANWR, and I said I would be happy to do that when you commit—that was Dick Cheney—that you're going to use all the revenues you get from ANWR to invest in alternatives, because we're way late in doing what Hyman Rickover said we needed to do in 1957.

I noted that we were going to leave our kids a huge debt. It's bigger now than I thought it would be then. I said, wouldn't it be nice to leave them a little oil?

Here is a quote from one of those studies. This was the first and the biggest of those studies, the so-called Hirsch, SAIC, big study: world oil peaking is going to happen, world production of conventional oil will reach a maximum and decline thereafter. That maximum was called the peak. A number of competent forecasters project peaking within a decade. It has happened. Others contend it will occur later. Prediction of the peaking is extremely difficult. He says that oil peaking presents a unique challenge. The world has never faced a problem like this. It is an unprecedented problem that the world faces.

I have a last chart here that I think kind of helps us to put this in perspective. And this shows the production of oil, and this chart is a few years old. We need to have it updated. But this is when oil was discovered, way back in the 40s, the 50s, the 60s, the 70s. This is the use of oil.

By the way, tonight when you do your prayers, thank the Islamic world for the oil price spike hikes in the 70s. Look what it did. It woke us up. If they hadn't awakened us and this curve continued, we would be through the top of the chart by now. Up until the Carter years, it was a stunning statistic. Every 10 years we used as much oil as had been used in all of previous history. Now look at the slope of that curve. It is much lower than that.

Our time is running out, and I must yield back; but I will come to the floor again soon, and we'll spend quite some time looking at this chart. Because if you had only one chart to look at where you were going to predict what you thought might happen in the future, I think this would be the chart, because you look back through history and see what has happened, and then you'll make a judgment. Wow, are we going to find that much more oil in the future that we found back here even with our increased capability to find oil? Yeah, we're going to find more, and we're going to pump more, but I think there is little or no chance that we'll be able to produce that oil fast enough to meet the growing demands of the world.

I love challenges. This is a huge challenge. And I think that facing this challenge we can produce more jobs; we can be an exporter of the technologies

for green energy. I just feel challenged by this, Mr. Speaker, and I hope Americans feel the same way.

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

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 658. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

#### ADJOURNMENT

Mr. BARTLETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, February 8, 2012, at 10 a.m. for morning-hour debate.

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, February 7, 2012.

To: Trudi Terry, Chief Clerk, Office of Official Reporters

From: Karen L. Haas, Clerk

Subject: Oath of Office

In compliance with the provisions of 2 U.S.C. 25, please have printed in the appropriate place of the House section of the Congressional Record of Tuesday, February 7, 2012, the following entry related to those Members who have executed the Oath of Office:

#### OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

SUZANNE BONAMICI, Oregon First.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

4876. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule — Real-Time Public Reporting of Swap Transaction Data (RIN: 3038-AD08) received February 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4877. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — *Bacillus amyloliquefaciens* strain D747; Exemption from the Requirement of a Tolerance; Technical Correction [EPA-HQ-OPP-2010-0944; FRL-9334-3] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4878. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2011-0002] [Internal Agency Docket No. FEMA-B-1235] received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4879. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Net Worth Standard for Accredited Investors [Release Nos.: 33-9287; 1A-3341; IC-29891; File No.: S7-04-11] (RIN: 3235-AK90) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4880. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware, New Jersey, and Pennsylvania; Determinations of Attainment of the 1997 Annual Fine Particulate Standard for the Philadelphia-Wilmington Nonattainment Area [EPA-R03-OAR-2011-0714; FRL-9620-3] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4881. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Missouri; Reasonably Available Control Technology (RACT) for the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) [EPA-R07-OAR-2011-0859; FRL-9621-1] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4882. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Clean Vehicles Program [EPA-R03-OAR-2011-0605; FRL-9620-2] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4883. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Great Lakes Steamship Repower Incentive Program [EPA-HQ-OAR-2011-0928; FRL-9618-9] (RIN: 2060-XXXX) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4884. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance for Fuel Cycle Facility

Change Processes [Regulatory Guide 3.74] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4885. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Guidance on Making Changes to Emergency Plans for Nuclear Power Reactors [Regulatory Guide 1.219] received January 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4886. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on competitive sourcing efforts for fiscal year 2011; to the Committee on Oversight and Government Reform.

4887. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 110210132-1275-02] (RIN: 0648-XA842) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4888. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Cod by Vessels Catching Pacific Cod for Processing By the Inshore Component of the Central Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-02] (RIN: 0648-XA886) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4889. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Ground Fish Fishery; Biennial; Specifications and Management Measures; Inseason Adjustments [Docket No.: 100804324-1265-02] (RIN: 0648-BB65) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4890. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2012 Specifications and Management Measures and Secretarial Amendment 1 [Docket No.: 110908575-1687-03] (RIN: 0648-BB27) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4891. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Pilot, Flight Instructor, and Pilot School Certification; Technical Amendment [Docket No.: FAA-2006-26661; Amdt. No. 61-129] (RIN: 2120-AI86) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4892. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Authorization to Use Lower Than Standard Takeoff, Approach and Landing Minimums at Military and Foreign Airports [Docket No.: FAA-2012-0007; Amdt. No. 135-126] (RIN: 2120-AK20) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4893. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacles Departure Procedures; Miscellaneous Amendments [Docket No.: 30817; Amdt. No. 3456] received January 13, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4894. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30811; Amdt. No. 3451] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4895. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D and Amendment of Class E Airspace; Los Angeles, CA [Docket No.: FAA-2011-0496; Airspace Docket No. 11-AWP-6] received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4896. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Blythe, CA [Docket No.: FAA-2011-0585; Airspace Docket No. 11-AWP-9] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4897. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Umat, AK [Docket No.: FAA-2011-0750; Airspace Docket No. 11-AAL-08] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4898. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Fayette, AL [Docket No.: FAA-2011-0559; Airspace Docket No. 11-ASO-23] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4899. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tatitlek, AK [Docket No.: FAA-2011-0757; Airspace Docket No. 11-AAL-10] received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4900. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class B Airspace; Seattle, WA [Docket No.: FAA-2011-0232; Airspace Docket No. 11-AWA-3] (RIN: 2120-AA66) received January 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4901. A letter from the Director, Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs, transmitting the Department's "Major" final rule — Vocational Rehabilitation and Employment Program — Changes to Subsistence Allowance (RIN: 2900-AO10) received January 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4902. A letter from the Director, National Legislative Commission, American Legion, transmitting the financial statement and independent audit of The American Legion, proceedings of the 93rd Annual National Convention of the American Legion, held in Minneapolis, Minnesota from August 26 — September 1, 2011, and a report on the Organization's activities for the year preceding the Convention, pursuant to 36 U.S.C. 49; (H. Doc. No. 112—86); to the Committee on Veterans' Affairs and ordered to be printed.

4903. A letter from the Director, Office of Regulations, Social Security Administration, transmitting the Administration's final rule — Mailing of Tickets Under the Ticket

to Work Program [Docket No.: SSA-2011-0034] (RIN: 0960-AH34) received January 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4904. A letter from the General Counsel, Department of Commerce, transmitting draft legislation, entitled "Port State Measures Agreement Act of 2011"; jointly to the Committees on Transportation and Infrastructure, Foreign Affairs, Natural Resources, the Judiciary, Ways and Means, and Armed Services.

## 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. WOODALL: Committee on Rules. House Resolution 540. Resolution providing for consideration of the bill (H.R. 3521) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes (Rept. 112-389). 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. MURPHY of Pennsylvania (for himself, Mr. DOYLE, Mr. ALTMIRE, Mr. CRITZ, Mr. KELLY, Mr. BARLETTA, Mr. PITTS, Mr. GERLACH, and Mr. SHUSTER):

H.R. 3911. A bill to prohibit the permanent relocation of C-130 aircraft assigned to Pittsburgh 911th Airlift Wing; to the Committee on Armed Services.

By Mr. BISHOP of New York (for himself, Mr. RANGEL, Mr. HANNA, Mr. ISRAEL, Mr. SERRANO, Mr. KING of New York, Mr. GRIMM, Mr. ENGEL, Mr. HIGGINS, Mr. TONKO, Mr. OWENS, Mrs. LOWEY, Ms. SLAUGHTER, Mr. ACKERMAN, Mrs. MALONEY, Mr. TOWNS, Mr. HINCHEY, Ms. BUERKLE, Ms. HAYWORTH, Mrs. MCCARTHY of New York, Mr. CROWLEY, Ms. VELÁZQUEZ, Mr. NADLER, Mr. GIBSON, Ms. HOCHUL, Ms. CLARKE of New York, Mr. TURNER of New York, Mr. REED, and Mr. MEEKS):

H.R. 3912. A bill to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the "Brigadier General Nathaniel Woodhull Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. DEFAZIO:

H.R. 3913. A bill to amend the Natural Gas Act with respect to application of the right to exercise eminent domain in construction of pipelines for the exportation of natural gas, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OWENS:

H.R. 3914. A bill to amend the Export Apple Act to permit the export of apples to Canada in bulk bins without certification by the Department of Agriculture; to the Committee on Agriculture.

By Mr. SCOTT of Virginia:

H.R. 3915. A bill to consolidate programs at the Department of Justice and enact the CAMPUS Safety Act of 2011; to the Committee on the Judiciary.

By Ms. WATERS:

H.R. 3916. A bill to reduce the operating costs of the United States Postal Service, to

provide for continued postal services for certain areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. WATT:

H.R. 3917. A bill to extend the temporary suspension of duty on Disperse Red 60; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3918. A bill to extend temporarily the suspension of duty on Disperse Yellow 64; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3919. A bill to extend temporarily the suspension of duty on Vat Blue 66; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3920. A bill to extend temporarily the suspension of duty on Acid Black 172; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3921. A bill to extend temporarily the suspension of duty on Reactive Blue 224; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3922. A bill to extend the temporary suspension of duty on Cuprate (4-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3923. A bill to suspend temporarily the duty on certain other made up articles; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3924. A bill to extend temporarily the suspension of duty on Reactive Yellow 27; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3925. A bill to extend temporarily the suspension of duty on Disperse Blue 77; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3926. A bill to suspend temporarily the duty on other knitted or crocheted fabrics, of cotton, dyed, other, of single knit construction; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3927. A bill to extend temporarily the suspension of duty on Solvent Yellow 163; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3928. A bill to suspend temporarily the duty on 1H-Xantheno; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3929. A bill to extend temporarily the suspension of duty on Reactive Red 123; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3930. A bill to extend temporarily the suspension of duty on Reactive Black 5; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3931. A bill to suspend temporarily the duty on Disperse Blue 284; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3932. A bill to extend temporarily the suspension of duty on Reactive Red 198; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3933. A bill to extend temporarily the suspension of duty on Acid Blue 324; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3934. A bill to suspend temporarily the duty on Acid Yellow 151; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3935. A bill to extend temporarily the suspension of duty on Acid Blue 221; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3936. A bill to suspend temporarily the duty on Acid Yellow 137; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3937. A bill to extend temporarily the suspension of duty on Acid Yellow 230; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3938. A bill to extend temporarily the suspension of duty on Acid Red 414; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3939. A bill to suspend temporarily the duty on mixtures of Disperse Red 367; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3940. A bill to suspend temporarily the duty on Reduced Vat Blue 1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3941. A bill to suspend temporarily the duty on Acid Red 278; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3942. A bill to suspend temporarily the duty on Direct Red 84; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3943. A bill to suspend temporarily the duty on Acetic acid; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3944. A bill to suspend temporarily the duty on Acid Yellow 79; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3945. A bill to suspend temporarily the duty on Acid Blue 171; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3946. A bill to suspend temporarily the duty on Reactive Blue 19; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3947. A bill to suspend temporarily the duty on Disperse Yellow 184:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3948. A bill to suspend temporarily the duty on Acid Red 182; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3949. A bill to suspend temporarily the duty on mixtures of (3-Pyridinecarbonitrile, 5-[(2-cyano-4-nitrophenyl)diazenyl]-2-[[2-(2-hydroxyethoxy) ethyl]amino]-4-methyl-6-(phenylamino)-) and (3-Pyridinecarbonitrile, 5-[(2-cyano-4-nitrophenyl)diazenyl]-6-[[2-(2-hydroxyethoxy) ethyl]amino]-4-methyl-2-(phenylamino)-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3950. A bill to suspend temporarily the duty on Direct Green 91; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3951. A bill to suspend temporarily the duty on Disperse Red 159; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3952. A bill to suspend temporarily the duty on Reactive Red 122; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3953. A bill to suspend temporarily the duty on mixtures of Cobaltate (2-) and Cobaltate (3-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3954. A bill to suspend temporarily the duty on Disperse Red 311; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3955. A bill to suspend temporarily the duty on Reactive Blue 187; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3956. A bill to suspend temporarily the duty on Disperse Yellow 71; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3957. A bill to suspend temporarily the duty on mixtures of Acid Black 244, (Chromate(2-), (Cobaltate(1-), and (Chromate(1-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3958. A bill to suspend temporarily the duty on Acid Blue 284; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3959. A bill to suspend temporarily the duty on Basic Blue 94:1; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3960. A bill to suspend temporarily the duty on Disperse Orange 288; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3961. A bill to suspend temporarily the duty on Disperse Blue 284; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3962. A bill to suspend temporarily the duty on Disperse Blue 56; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3963. A bill to suspend temporarily the duty on Acid Blue 264; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3964. A bill to suspend temporarily the duty on mixtures of (9,10-Anthracenedione, 1,5-diamino-4,8-dihydroxy(4-hydroxyphenyl)-) and (9,10-Anthracenedione, 1,5-diamino-4,8-dihydroxy(4-methoxyphenyl)-); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3965. A bill to suspend temporarily the duty on Acid Red 426; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3966. A bill to suspend temporarily the duty on mixtures of Reactive Blue 250 and Reactive Black 5; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3967. A bill to suspend temporarily the duty on mixtures of Reactive Black 5, Benzenesulfonic acid, and 1-Naphthalenesulfonic acid; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3968. A bill to suspend temporarily the duty on mixtures of Disperse Red 367, Benzo, and Acetic acid; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3969. A bill to suspend temporarily the duty on mixtures of Disperse Blue 77; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3970. A bill to suspend temporarily the duty on mixtures of Reactive Red 198 and Reactive Red 239; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3971. A bill to suspend temporarily the duty on mixtures of Reactive Blue 19; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3972. A bill to suspend temporarily the duty on certain woven fabrics of cotton; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 3973. A bill to facilitate the development of energy on Indian lands by reducing Federal regulations that impede tribal development of Indian lands, and for other purposes; to the Committee on Natural Resources.

## 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.





Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: “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 . . .”

By Mr. WATT:

H.R. 3954.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:

H. R. 3955.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:

H.R. 3956.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:

H.R. 3957.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "The Congress shall have the 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 . . ."

By Mr. WATT:

H.R. 3958.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:

H.R. 3959.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:

H.R. 3960.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: “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 . . .”

By Mr. WATT:

H.R. 3961.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3962.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3963.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3964.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3965.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3966.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3967.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3968.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3969.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3970.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3971.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. WATT:  
H.R. 3972.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, the Taxing and Spending Clause: "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 . . ."

By Mr. YOUNG of Alaska:  
H.R. 3973.

Congress has the power to enact this legislation pursuant to the following: article 1 section 8 clause 3.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. CLAY.  
H.R. 32: Ms. HIRONO and Mr. JOHNSON of Georgia.  
H.R. 139: Mrs. NAPOLITANO and Ms. MATSUI.  
H.R. 178: Mr. SHIMKUS.  
H.R. 192: Mr. QUIGLEY.  
H.R. 210: Mr. PAUL.  
H.R. 361: Mr. MULVANEY.  
H.R. 365: Mr. CICILLINE.  
H.R. 420: Mr. GIBBS.  
H.R. 458: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 459: Mrs. SCHMIDT, Mr. BROOKS, and Mrs. BLACK.  
H.R. 571: Mr. SABLAN.  
H.R. 593: Mr. PEARCE.  
H.R. 769: Mr. ROTHMAN of New Jersey.  
H.R. 870: Mr. DAVID SCOTT of Georgia, Ms. WATERS, Mr. COHEN, Mr. YARMUTH, Ms. FUDGE, and Mr. GUTIERREZ.  
H.R. 890: Mr. BARTLETT and Mr. JACKSON of Illinois.  
H.R. 931: Mr. POSEY.  
H.R. 975: Mr. SMITH of Washington and Mr. SHIMKUS.  
H.R. 997: Mr. POE of Texas.  
H.R. 1179: Mr. WESTMORELAND, Mr. BACHUS, Mrs. BLACK, Mr. REED, Mr. MULVANEY, Mr. PRICE of Georgia, Mr. REHBERG, Mr. BARTON of Texas, Mrs. NOEM, Mr. YODER, and Mr. YOUNG of Indiana.  
H.R. 1206: Mr. WESTMORELAND.  
H.R. 1288: Mr. SIRES, Mr. CARSON of Indiana, and Mr. RIGELL.  
H.R. 1319: Mr. KEATING and Mr. CAPUANO.

H.R. 1340: Mrs. SCHMIDT.  
H.R. 1370: Mr. PENCE.  
H.R. 1385: Mr. HECK.  
H.R. 1404: Ms. HAHN and Mr. CONNOLLY of Virginia.  
H.R. 1418: Ms. BONAMICI and Mr. PAUL.  
H.R. 1464: Mr. VAN HOLLEN.  
H.R. 1558: Mr. STUTZMAN.  
H.R. 1585: Mr. HUIZENGA of Michigan.  
H.R. 1614: Mr. GARRETT.  
H.R. 1639: Mr. ROGERS of Michigan.  
H.R. 1668: Mr. HOLT.  
H.R. 1675: Mr. MULVANEY and Ms. MOORE.  
H.R. 1744: Mr. JOHNSON of Illinois and Mr. GALLEGLY.  
H.R. 2040: Mrs. NOEM, Mr. POE of Texas, and Mr. WALBERG.  
H.R. 2086: Mr. PETERSON.  
H.R. 2106: Mr. RIBBLE, Mr. RYAN of Ohio, and Mr. WILSON of South Carolina.  
H.R. 2140: Mr. DICKS and Mr. ROTHMAN of New Jersey.  
H.R. 2161: Mrs. LOWEY and Mrs. CAPPS.  
H.R. 2182: Mr. MATHESON.  
H.R. 2193: Mr. CARSON of Indiana.  
H.R. 2245: Mrs. CAPPS.  
H.R. 2280: Mr. ELLISON.  
H.R. 2299: Mr. MULVANEY.  
H.R. 2310: Mr. TIERNEY.  
H.R. 2353: Mr. TONKO.  
H.R. 2429: Mr. STUTZMAN.  
H.R. 2487: Mr. POLIS.  
H.R. 2492: Mr. DUFFY.  
H.R. 2569: Mr. BACA.  
H.R. 2595: Mr. MCGOVERN.  
H.R. 2682: Mr. MCINTYRE.  
H.R. 2874: Mr. YOUNG of Indiana.  
H.R. 2885: Mr. STEARNS.  
H.R. 2978: Mr. PRICE of Georgia and Mr. POMPEO.  
H.R. 2982: Mr. POLIS.  
H.R. 2985: Mr. LATTI, Ms. LEE of California, Mr. HIMES, Mr. COLE, Mr. DEUTCH, and Mr. SCOTT of South Carolina.  
H.R. 3032: Mr. WITTMAN.  
H.R. 3053: Mr. FILNER.  
H.R. 3059: Mr. LATTI.  
H.R. 3086: Mr. FRANK of Massachusetts, Mr. BOREN, Mrs. LOWEY, and Mr. CHANDLER.  
H.R. 3159: Mr. FARENTHOLD.  
H.R. 3173: Ms. HAHN and Mr. YOUNG of Indiana.  
H.R. 3187: Mr. THOMPSON of California and Mr. CROWLEY.  
H.R. 3199: Mrs. ADAMS and Mr. BROUN of Georgia.  
H.R. 3200: Mr. SIMPSON.  
H.R. 3276: Mr. MACK and Mr. SOUTHERLAND.  
H.R. 3300: Mr. CARNAHAN.  
H.R. 3336: Mr. MCINTYRE.  
H.R. 3337: Mr. FILNER, Mrs. HARTZLER, Mr. TONKO, Mr. POSEY, and Mr. LIPINSKI.  
H.R. 3341: Mr. FARR.  
H.R. 3364: Mr. ROE of Tennessee.  
H.R. 3393: Mr. LONG.  
H.R. 3405: Ms. ZOE LOFGREN of California.  
H.R. 3418: Mr. DOYLE.  
H.R. 3435: Mr. LOEBSACK.  
H.R. 3461: Mr. PENCE, Mrs. LOWEY, Mr. DENT, Mr. MARCHANT, Mr. CHANDLER, Ms. JENKINS, Mr. FORTENBERRY, Mr. COLE, Mrs. LUMMIS, Mr. STIVERS, Mr. WHITFIELD, Mr. FITZPATRICK, Mr. FORBES, Mrs. SCHMIDT, Mr. COBLE, and Mr. SCHILLING.  
H.R. 3462: Mr. RUSH and Mr. RANGEL.  
H.R. 3480: Mr. YODER.  
H.R. 3481: Mr. ALEXANDER.  
H.R. 3506: Mr. REICHERT.  
H.R. 3523: Mr. BROOKS, Mr. HUIZENGA of Michigan, Mr. CARTER, and Mrs. HARTZLER.  
H.R. 3541: Mr. LANDRY.  
H.R. 3548: Mr. HENSARLING and Mrs. CAPITO.  
H.R. 3591: Mr. McDERMOTT.  
H.R. 3596: Mr. STARK.  
H.R. 3606: Mr. SCOTT of South Carolina and Mr. SCHOCK.  
H.R. 3612: Ms. LEE of California, and Mr. POLIS.

H.R. 3635: Ms. HAHN and Mr. PETERS.  
 H.R. 3643: Mr. BARROW.  
 H.R. 3652: Mrs. BLACKBURN, Mrs. NOEM, and Mr. CONAWAY.  
 H.R. 3662: Mr. GINGREY of Georgia, Mr. COFFMAN of Colorado, Mr. LEWIS of California, Mr. GALLEGLY, Mr. GARY G. MILLER of California, Mr. HERGER, and Mr. SAM JOHNSON of Texas.  
 H.R. 3663: Mr. GRIFFITH of Virginia.  
 H.R. 3666: Mr. LIPINSKI.  
 H.R. 3676: Mr. FARENTHOLD.  
 H.R. 3698: Mrs. MYRICK.  
 H.R. 3702: Mr. CLARKE of Michigan.  
 H.R. 3767: Mr. GERLACH, Mrs. DAVIS of California, Mr. DEUTCH, and Mr. DEFazio.  
 H.R. 3789: Mr. FILNER.  
 H.R. 3798: Mr. SMITH of Washington.  
 H.R. 3803: Mr. CRAWFORD and Mr. PEARCE.  
 H.R. 3805: Mr. HARRIS.  
 H.R. 3811: Mr. DUFFY.  
 H.R. 3816: Mr. POMPEO and Mrs. HARTZLER.  
 H.R. 3819: Mr. PAUL and Mr. BURTON of Indiana.  
 H.R. 3824: Mr. BRADY of Pennsylvania, Mr. BISHOP of New York, and Mr. MCKINLEY.  
 H.R. 3842: Mr. SCHWEIKERT and Mr. HARRIS.  
 H.R. 3848: Mr. SCHOCK and Mrs. BLACKBURN.  
 H.R. 3852: Ms. LEE of California and Mr. QUIGLEY.  
 H.R. 3856: Mr. BILIRAKIS, and Ms. ROSELEHTINEN.  
 H.R. 3866: Mr. SERRANO, Mr. CLEAVER, Mr. RANGEL, Mr. DINGELL, Mr. ALTMIRE, Mr. WALZ of Minnesota, Mr. COSTELLO, Mr. RAHALL, Mr. MICHAUD, Mr. LARSEN of Washington, Mr. NADLER, and Mr. DEFazio.  
 H.R. 3875: Mr. WELCH, and Mrs. CAPPS.  
 H.R. 3878: Mr. DEFazio.  
 H.R. 3895: Mr. JONES.  
 H.R. 3903: Ms. SUTTON, Mr. WELCH, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. KAPTUR, Ms. MOORE, Mr. MCGOVERN, Ms. LEE of California, Mr. HONDA, Mr. FILNER, and Mr. CICILLINE.  
 H. Res. 298: Ms. ZOE LOFGREN of California.  
 H. Res. 460: Ms. ZOE LOFGREN of California, Mr. LANGEVIN, Mr. HOLT, Mr. CALVERT, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. ROYBAL-ALLARD.  
 H. Res. 532: Mr. NUNNELEE and Mr. FITZPATRICK.

### PETITIONS, ETC.

Under clause 3 of rule XII,

36. The SPEAKER presented a petition of the City of Lauderdale Lakes, Florida, relative to Resolution No. 2011-121 setting forth the City's 2012 Federal Legislative and Appropriations priorities; jointly to the Committees on Energy and Commerce, Transportation and Infrastructure, Homeland Security, the Judiciary, and Financial Services.

### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

S. 2038

OFFERED BY MR. FLAKE

AMENDMENT No. 1: Add at the end the following new title:

#### TITLE III—EARMARK ELIMINATION

##### SEC. 301. SHORT TITLE.

This title may be cited as the "Earmark Elimination Act of 2012".

#### Subtitle A—House of Representatives

##### SEC. 311. PROHIBITING CONSIDERATION OF LEGISLATION CONTAINING EARMARKS.

(a) PROHIBITION.—

(1) IN GENERAL.—It shall not be in order in the House of Representatives to consider any

bill, joint resolution, amendment, or conference report if the bill, joint resolution, amendment, or conference report, or any accompanying report or joint explanatory statement of managers, includes a congressional earmark, limited tax benefit, or limited tariff benefit.

(2) PROCEDURE.—If a point of order is raised under paragraph (1) with respect to a congressional earmark, limited tax benefit, or limited tariff benefit and the point of order is sustained, the congressional earmark, limited tax benefit, or limited tariff benefit shall be deemed to be stricken from the measure involved.

(3) SPECIAL PROCEDURE FOR CONFERENCE REPORT AND AMENDMENTS BETWEEN THE HOUSES.—

(A) IN GENERAL.—If a point of order is raised and sustained under paragraph (1) with respect to a conference report or a motion that the House recede from its disagreement to a Senate amendment and concur therein, with or without amendment, then after disposition of all such points of order the conference report or motion, as the case may be, shall be considered as rejected and the matter remaining in disagreement shall be disposed of under subparagraph (B) or (C), as the case may be.

(B) CONFERENCE REPORTS.—After the House has sustained one or more points of order under paragraph (1) with respect to a conference report—

(i) if the conference report accompanied a House measure amended by the Senate, the pending question shall be whether the House shall recede and concur in the Senate amendment with an amendment consisting of so much of the conference report as was not rejected; and

(ii) if the conference report accompanied a Senate measure amended by the House, the pending question shall be whether the House shall insist further on the House amendment.

(C) MOTIONS.—After the House has sustained one or more points of order under paragraph (1) with respect to a motion that the House recede and concur in a Senate amendment, with or without amendment, the following motions shall be privileged and shall have precedence in the order stated:

(i) A motion that the House recede and concur in the Senate amendment with an amendment in writing then available on the floor.

(ii) A motion that the House insist on its disagreement to the Senate amendment and request a further conference with the Senate.

(iii) A motion that the House insist on its disagreement to the Senate amendment.

(b) DETERMINATION BY HOUSE.—If a point of order is raised under this section and the Chair is unable to ascertain whether a provision constitutes a congressional earmark, limited tax benefit, or limited tariff benefit, the Chair shall put the question to the House and the question shall be decided without debate or intervening motion.

(c) CONFORMING AMENDMENT.—Rule XXI of the Rules of the House of Representatives is amended by striking clause 9.

##### SEC. 312. DEFINITIONS.

In this subtitle—

(1) the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional

district, other than through a statutory or administrative formula-driven or competitive award process;

(2) the term "limited tax benefit" means—

(A) any revenue-losing provision that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to 10 or fewer beneficiaries under the Internal Revenue Code of 1986, and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

(3) the term "limited tariff benefit" means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

#### Subtitle B—Senate

##### SEC. 321. PROHIBITION ON EARMARKS.

(a) BILLS AND JOINT RESOLUTIONS, AMENDMENTS, AMENDMENTS BETWEEN THE HOUSES, AND CONFERENCE REPORTS.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider a bill or resolution introduced in the Senate or the House of Representatives, amendment, amendment between the Houses, or conference report that includes an earmark.

(2) PROCEDURE.—Upon a point of order being made by any Senator pursuant to paragraph (1) against an earmark, and such point of order being sustained, such earmark shall be deemed stricken.

(b) CONFERENCE REPORT AND AMENDMENT BETWEEN THE HOUSES PROCEDURE.—When the Senate is considering a conference report on, or an amendment between the Houses, upon a point of order being made by any Senator pursuant to subsection (a), and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable under the same conditions as was the conference report. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(c) WAIVER.—Any Senator may move to waive any or all points of order under this section by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(d) DEFINITIONS.—

(1) EARMARK.—For the purpose of this section, the term "earmark" means a provision or report language included primarily at the request of a Senator or Member of the House of Representatives as certified under paragraph 1(a)(1) of rule XLIV of the Standing Rules of the Senate—

(A) providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

(B) that—

(i) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

(C) modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

(2) DETERMINATION BY THE SENATE.—In the event the Chair is unable to ascertain whether or not the offending provision constitutes an earmark as defined in this subsection, the question of whether the provision constitutes an earmark shall be submitted to the Senate and be decided without debate by

an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(e) APPLICATION.—This section shall not apply to any authorization of appropriations to a Federal entity if such authorization is not specifically targeted to a State, locality or congressional district.



United States  
of America

# Congressional Record

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

Vol. 158

WASHINGTON, TUESDAY, FEBRUARY 7, 2012

No. 20

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, from whom comes every good and perfect gift, we turn our hearts to You, our refuge and strength. Lord, lead our Senators today in the ways of peace. Plant peace in their hearts, freeing them from selfishness and enmity and strengthening them with generosity and kindness.

Bring peace to our world so the weapons of destruction will become tools of construction and people will experience a shared destiny of hope and prosperity. In a special way, bless the members of our Armed Forces and their families. Sustain them with Your everlasting arms.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 7, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 12:30 p.m. Republicans will control the first 30 minutes, the majority the final 30 minutes.

The Senate will recess from 12:30 until 2:15 p.m. for our weekly caucus meetings.

We hope to begin consideration of a number of matters, including the surface transportation bill, during today's session.

### FORECLOSURE CRISIS

Mr. REID. Mr. President, in this country, owning a home means more than a roof over your head. It is the centerpiece of the American Dream.

For many responsible Americans, the dream of home ownership has become a nightmare. When Wall Street greed collapsed the economy in 2008, the housing market also collapsed. That meant free-falling home prices and a staggering number of foreclosures.

No State in the Union was hit harder than Nevada, but California was hit extremely hard, Michigan, Arizona, and Florida. But for 5 consecutive years, Nevada has led the Nation in foreclosures. The foreclosure rate in Ne-

vada is 400 percent of the national average.

Behind those statistics are people. Whether it is Nevada, Arizona, Florida, Michigan, or anyplace else in the country, statistics are people—families who bought homes where they could raise their families and enjoy life. Many Nevadans, like other Americans who worked hard, saved money and shopped responsibly, are now so far under water they can't see a way out.

So who is responsible? There is plenty of blame to go around. Brokers sold loans that could never be repaid, buyers bought houses they couldn't afford, and banks bought bad loans to sell to investors. Regardless of who is at fault, millions of homeowners who did everything right are still on the hook for a financial crisis they didn't cause. Many of them have never missed a payment.

Unlike some Republicans, I don't believe the answer is to throw up our hands and do nothing. Homeowners who have watched their equity evaporate don't have time to watch the market hit rock bottom, as one Republican candidate suggested. The President and Congress have taken action to ease this crisis. Not everything we have done to ease the crisis has worked, but we need to continue programs that are working and fix the ones that aren't. I support the President's efforts to reduce the hurdles to financing, and refinancing, for sure. Nearly 15 million Americans could benefit from refinancing their loans at today's historically low interest rates.

We must keep those who have lost their jobs from losing their homes as well. This proposal will help them reduce their monthly payments and save thousands of dollars every year. And for families who owe more than their house is worth, it will help them rebuild the equity they lost because of the collapse in the housing markets.

Redtape should no longer keep responsible homeowners from refinancing their loans and restoring their futures.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S361



Redtape, I repeat, should no longer keep responsible homeowners from refinancing their homes and restoring their futures.

There are some who advocate a do-nothing policy. There is nothing we can do to help. They couldn't be more wrong. Here is one example. My Nevada offices have posted several foreclosure workshops. More than 2,000 people have taken the opportunity to sit down and face their lenders—often for the first time. Several thousand more have gotten help from caseworkers in my office. Caseworkers and owners have worked together literally to save homes from the auction block. I am hosting another workshop in Las Vegas this Saturday.

We can't help everyone, but we must do more to help those we can. It is time for more Federal action. It is time to give homeowners in every State the tools they need to hold on to their homes and to hold on to the American Dream.

#### RECOGNITION OF THE MINORITY LEADER

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

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### PAYROLL TAX CUT

Mr. McCONNELL. Mr. President, I want to make a couple of observations this morning about the bipartisan support that exists for extending a payroll tax holiday. I will start with the obvious: Republicans strongly support extending this tax cut for the rest of the year. Americans have suffered long enough as a result of this President's economic policies. They do not need to suffer more because of his failure to turn the economy around 3 years into his administration.

But the fact is any solution requires both sides to engage in good-faith negotiations. When my friend, the majority leader of the Senate, comes to the floor and says that Republicans in Congress are only willing to extend this tax cut if they are allowed to poison Americans' drinking water, then I think it is pretty safe to say it is time for fewer partisan attacks and more efforts to finish the job.

When a tax hike that has been rejected repeatedly by Members of both parties over the past year is the opening bid in a negotiation, I think it is safe to say that Democrats are more interested in scoring political points

than in scoring a tax cut that millions of middle-class Americans are counting on.

When the majority leader of the Senate suddenly announces he is working on a proposal of his own to extend this tax cut, even as the conference committee is in the midst of negotiating a bipartisan solution that everybody can support, I think it is pretty obvious where the problem lies. It is with the Democratic majority and a President who we thought were elected to lead.

I think most Americans would expect that at a moment such as this, when a solution to a pressing problem is sought, the majority party bears the responsibility to find it. It is worth noting that in the House, the majority party did its work and passed a 1-year extension. Yet all we get from the Democratic majority in the Senate are exaggerated claims, ad hominem attacks, and false accusations aimed at delaying a solution rather than achieving one.

So I would remind my friend the majority leader that the particular piece of legislation he railed against yesterday as an effort to poison people has broad bipartisan support, including 12 Democratic cosponsors here in the Senate—and rightly so in the midst of a jobs crisis. We should seize every opportunity we have to help job creators at a time when more than 13 million Americans are looking for work and can't find it.

The only thing controversial about this proposal—the only thing controversial about this proposal—is the idea of opposing it.

I would also remind the majority leader that the Federal pay freeze received more than 300 votes in the House, and that he himself already agreed to spending cuts during negotiations this past fall that would cover the cost of extending this payroll tax cut for the remainder of the year.

So let us allow the conferees to finish their work and get this payroll tax cut extended for the rest of the year. That is what Republicans want. That is what the President says he wants. And there is no reason we shouldn't be able to get this done. The Democratic majority of the Senate should be leading that effort, not rooting for its failure.

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, the Senate will be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, the Republicans controlling the first 30 minutes, and the majority controlling the next 30 minutes.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask that the order for the quorum call be rescinded.

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

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, I see the distinguished Senator from Oklahoma and I know he is waiting to go and I appreciate his courtesy that I might go first. Let me speak in my capacity as chair of the Judiciary Committee.

Two weeks ago, when the Senate confirmed only 1 of the 19 judicial nominations on which votes were delayed from last year, I urged Senate Republicans to join with Democrats and take long overdue steps to remedy the serious vacancies crisis on Federal courts throughout the country. Nearly 1 out of every 10 Federal judgeships is vacant. Nonetheless, Senate Republicans refuse to consent to votes on consensus nominees who could fill many of those vacancies without further delay. These are well-qualified judicial nominees who were reported unanimously by the Judiciary Committee many months ago; there has been no explanation for the delay in their confirmation. During the last 2 months, Senate Republicans have consented to votes on only 2 of the 23 judicial nominees ready for final Senate action.

Of the 19 judicial nominations now awaiting a final vote by the Senate, 16 were reported by the Judiciary Committee with the support of every Senator on the Committee, Democratic and Republican. No Senator can or should have any reason to oppose these nominees in the Senate. But, month after month and year after year, Senate Republicans find new reasons and new tactics to delay confirmation of consensus judicial nominees for no good reason. I have never seen anything like this. These delays are a disservice to the American people. They prevent the Senate from fulfilling its constitutional duty. And they are damaging to the ability of our Federal courts to provide justice to Americans around the country.

Regrettably, the last 2 weeks evidences more of the same, a continuation of the delaying tactics we have seen for years, as Senate Republicans continue their across-the-board obstruction of President Obama's judicial nominations. For the second year in a row, Senate Republicans refused to consent to votes on judicial nominations before the end of the Senate's session in December. At the end of 2011, they again refused to follow Senate's traditional, longstanding practice of

voting to confirm consensus nominations before the end of the Senate session, a practice followed by Democrats and Republicans with Presidents Reagan, George H.W. Bush, Clinton and George W. Bush.

Their tactics have worked, to the detriment of the Federal courts and the American people. By nearly any measure we are well behind where we should be. Three years into President Obama's first term, the Senate has confirmed a lower percentage of President Obama's judicial nominees than those of any President in the last 35 years. The Senate has confirmed just over 70 percent of President Obama's circuit and district nominees, with more than one in four not confirmed. This is in stark contrast to the nearly 87 percent of President George W. Bush's nominees who were confirmed, nearly nine out of every 10 nominees he sent to the Senate.

We remain well behind the pace set by the Senate during President Bush's first term. By this date in President Bush's first term, the Senate had confirmed 170 Federal circuit and district court nominations on the way to 205, and had lowered judicial vacancies to 46. By the time Americans went to the polls in November 2004, we had reduced vacancies to 28 nationwide, the lowest level in the last 20 years. In contrast, the Senate has confirmed only 125 of President Obama's district and circuit nominees, and judicial vacancies remain over 85. The vacancy rate is double what it was at this point in the Bush administration.

I wonder when I hear some Republican Senators claim credit for progress on nominations and point to what they like to call "positive action"—how they can ignore the 19 judicial nominations being blocked for no reason. I wonder how they can claim progress for the American people when judicial vacancies remain well above 80 more than 3 years into President Obama's first term. In this setting, after years of delay and lack of real progress, it is troubling to hear Senate Republicans already talking about how they plan to resort to the Thurmond Rule to shut down all judicial confirmations for the rest of the year. Their obstruction has already resulted in the Senate having confirmed 45 fewer judicial nominations after 3 years of the Obama administration than after 3 years of the Bush administration. We still have a long way to go to catch up and to lower judicial vacancies before anyone talks about a confirmation shutdown.

I wish Senate Republicans would abandon their rhetoric and do as Senate Democrats did when we worked to confirm 100 of President Bush's judicial nominees in 17 months. In fact, we continued to work to reduce judicial vacancies by considering and confirming President Bush's judicial nominations late into the Presidential election years of 2004 and 2008, reducing the vacancy rates in those years to their lowest levels in decades.

The cost of this across the board Republican obstruction is borne by the American people. More than half of all Americans, nearly 160 million, live in districts or circuits that have a judicial vacancy that could be filled today if Senate Republicans just agreed to vote on the nominations that have been reported favorably by the Judiciary Committee. It is wrong to delay votes on these qualified, consensus judicial nominees. The Senate should fill these numerous, extended judicial vacancies, not delay final action for no good reason.

The result of the Senate Republicans' inaction is that the people of New York, California, West Virginia, Florida, Nebraska, Missouri, Washington, Utah, the District of Columbia, Nevada, Louisiana, and Texas are without the judges they need. The result is that judicial emergency vacancies in Florida, Utah, California, Nevada and Texas remain unfilled.

Our courts need qualified Federal judges, not vacancies, if they are to reduce the excessive wait times that burden litigants seeking their day in court. It is unacceptable for hard-working Americans who seek their day in Federal court to suffer unnecessary delays. When an injured plaintiff sues to help cover the cost of medical expenses, that plaintiff should not have to wait for 3 years before a judge hears the case. When two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. With one in 10 Federal judgeships currently vacant, the Senate should have come together to remedy the serious judicial vacancies crisis on Federal courts around the country.

This Republican obstruction began long before President Obama's recent recess appointment of a handful of Executive branch nominees needed for the Consumer Financial Protection Bureau and the National Labor Relations Board to function. Indeed, despite 3 years of delays and across the board obstruction of his judicial nominations, President Obama has not recess appointed a single judicial nominee. That is something President Bush did, not President Obama. Senate Democrats that year consented to consider noncontroversial judicial nominations, confirming a total of 205 circuit and district court nominations in President Bush's first term and lowering judicial vacancies dramatically. In fact, the Senate proceeded to an up or down vote and confirmed 1 of the judicial nominees President Bush had recess appointed, William Pryor to the Eleventh Circuit.

Senate Republicans have been blocking votes on 18 of the President's judicial nominees since last year. Eight of the judicial nominations Republicans are blocking were reported unanimously by the Judiciary Committee in September and October last year. Another 5 nominations were reported in November, and 4 in December. All of

these judicial nominations could and should have been considered by the Senate last year. Indeed, when Republicans held up scores of nominees in December, including these judicial nominees, they did so to "punish" the administration for not assuring them that the President would not use his recess appointment power. That delay, now of more than 2 months, has already taken a measure of revenge. They continue to hurt the country by engaging in more obstruction and delay now to seek a double measure of retaliation.

Instead of exacerbating the conflict, Senate Republicans should reconsider their tactics and moderate their use of filibusters and stalling. This President has reached out to work with Senators from both parties with respect to judicial nominations. Every one of the 19 judicial nominations awaiting final Senate action has the support of his or her home State Senators, Republican as well as Democratic. There is no excuse for continued stalling of President Obama's consensus judicial nominees. The courts and the country cannot afford another year of across the board delays of President Obama's judicial nominations. I urge votes on Jesse Furman for the Southern District of New York, Cathy Bencivengo for the Southern District of California, Gina Groh for the Northern District of West Virginia, Margo Brodie for the Southern District of New York, Adalberto Jordan for the Eleventh Circuit, Beth Phillips for the Western District of Missouri, Thomas Rice for the Eastern District of Washington, David Nuffer for the District of Utah, Stephanie Thacker for the Fourth Circuit, Michael Fitzgerald for the Central District of California, Ronnie Abrams for the Southern District of New York, Rudolph Contreras for the District of Washington DC, Susie Morgan for the Eastern District of Louisiana, Jacqueline Nguyen for the Ninth Circuit, Gregg Costa for the Southern District of Texas, David Guaderrama for the Western District of Texas, and Brian Wimes for the Eastern and Western Districts of Missouri.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### ORDER OF PROCEDURE

Mr. INHOFE. Mr. President, I see the junior Senator from Connecticut in the Chamber. If he wishes to speak, it is my understanding this is Democratic time now. If he wishes to go before me, that is perfectly all right. I ask unanimous consent that at the conclusion of his remarks I be recognized in morning business because I do want to talk about the transportation bill that is coming up.

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

The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the distinguished Senator from

Oklahoma for his courtesy and his leadership on so many issues.

Mr. President, I want to particularly say to my colleague from Vermont how much I appreciate his leadership on the Judiciary Committee, where I serve. Leadership is the mark of his work there. He brings together Members of both parties on so many issues, including this one involving the Federal judiciary. It is, as he has said so eloquently, one of the marvels of the world, one of the historic accomplishments of our republican democracy, that we have a truly independent judiciary that exemplifies the qualities of professionalism, scholarship, integrity, and, yes, independence.

We are here today because we have a crisis in our judiciary. It is a crisis not created by our judges but by this body. It is a judicial vacancy crisis because nearly 1 out of 10—I repeat, 1 out of 10—judgeships in this country are now vacant. The vacancies are double what they were at this point in President Bush's first term.

Every time I go back to Connecticut—as I am sure happens to the Presiding Officer in his State of West Virginia and to Senator INHOFE in Oklahoma—people ask me: Why can't you do better in Washington? Why can't you bring both parties together and avoid the waste and the acrimony and rancor and the gridlock that is the reason for this judicial vacancy crisis? We need to come together and avoid the kind of paralysis that has such lasting and damaging effects on our judiciary.

The President has done his work in recommending qualified nominees to this body. The Judiciary Committee has done its work in reporting many of these judicial nominees to the floor, in many cases with unanimous support. Despite that unanimous support, those nominations languish here.

As we speak, 19 judicial nominations are still pending on the Senate's Executive Calendar. Mr. President, 16 of those nominations were reported unanimously to the floor and all but 2 of them are consensus nominees who received strong bipartisan support in the Judiciary Committee.

They have been blocked by the Republican minority. They have been blocked from up-or-down votes. They have been denied those up-or-down votes. That is unfair not only to them but to the American people. It is damaging to this country. It undermines the independence of the judiciary, its credibility and respect. It causes delays in the decisions on cases that vitally affect ordinary men and women who come to our Federal courts for justice. The old saying "justice delayed is justice denied" holds true whether it is the great historic cases of this country or the ordinary, mundane, routine cases that involve injuries to individual plaintiffs or defendants. And it discourages qualified people from permitting their names to be placed in nomination. The uncertainty of those

delays, the need to put their lives on hold, when they are lawyers in private practice or judges serving on the bench now, causes a severe disincentive that deters qualified people from beginning this uncertain process.

Outside of Washington, there is a clear consensus that the Senate must do better. Outside of the Senate, there is a clear consensus that we need bipartisan cooperation. Not just among politically elected leaders, but the Chief Justice of the U.S. Supreme Court, members of the bar on both sides of the aisle all agree we must move these nominations. So I call on my colleagues, as the chairman of the Judiciary Committee has done, to do better. President Obama has nominated qualified members of the bar to serve on our district courts, including, most recently, Michael Shea of my State to replace Judge Droney, who has just been confirmed as a member of the court of appeals.

Judge Droney's nomination waited here on the Senate calendar for 130 days, despite the clear consensus in his favor. Eventually, he was confirmed by a vote of 88 to 0. That delay, in turn, caused a delay to the nomination of a district court judge to replace him.

I am hopeful Michael Shea will be confirmed expeditiously.

We should never minimize the importance of careful vetting and scrutiny when it comes to these nominees. But once that process is complete in the Judiciary Committee, blocking these nominees can only be bad for the American people, as well as for the 160 million Americans who live in districts and circuits with vacancies whose nominees are sitting on the Senate calendar. They should not have their ability to access justice denied or delayed. We should reduce the burdens on our courts as quickly as possible so our system of justice will continue to be—and justifiably—regarded as one of the great marvels in the history of democracy, of governance in this world, on this planet.

Our nominees deserve prompt and fair consideration by the full Senate, and I am hopeful the Senate will do better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### HIGHWAY REAUTHORIZATION

Mr. INHOFE. Mr. President, we are going to be considering today—and I think the rest of this week, and probably into next week—one of the most significant things we are supposed to be doing here.

I wish to start off by saying—in endorsing and encouraging a highway reauthorization bill—I want people to know this is coming from someone who is a conservative. I think there are a lot of conservative organizations out there that have mistakenly thought of this as being a big spending bill without realizing this has been, since its in-

ception back during the Eisenhower administration, an approach to building roads, highways, infrastructure that is necessary in this country, and to have that as a top priority.

There are some problems that have come up with the highway trust fund, and I want to share that with my colleagues but, first of all, make sure everyone knows, who might be watching—and particularly some of the organizations that are conservative organizations—that these words are coming from me. I have probably been recognized as the most conservative Member of this body as much as anybody else has, maybe more. Yet, I have always said—even though I am a leading conservative—there are two areas where I am a big spender. One is in national defense and one is in our infrastructure.

For that reason, I say to the Presiding Officer, when I was first elected back in 1994, I selected two committees to be on. One was the Armed Services Committee, where I could try to keep a strong national defense. The other was the Environment and Public Works Committee. I am now the second ranking member on the Armed Services Committee and the ranking member of the Environment and Public Works Committee. Back when the Republicans were a majority, I was actually the chairman of that committee. That is when we did our last bill.

Our last highway reauthorization bill was in 2005. It was one that went through the process and was very successful. Conservatives and liberals alike joined and said this is a major function of America. This is what we are supposed to be doing here.

A strong defense and our infrastructure system are not going to be done by anybody else. It is going to have to be done by us. If we want to make sure we maintain a strong national defense, which this President has not been doing with the cuts he has made—actually, we could have as much as \$1 trillion in cuts in our defense budget over the next 10 years, all due, quite frankly, to one person. That is President Obama. So he does not care that much about defending America in putting the resources there. Here is a President who, in his own budget, has proposed a deficit each year, for four budgets, of over \$1 trillion each year.

You would think, with these huge deficits, we would not be having a problem in defense spending, as well as in our roads and highways, in coming up with a bill that would be a transportation reauthorization bill. The transportation reauthorization bill for 2005—where I was the sponsor of it because I was chairman of the committee—was a \$286.4 billion bill. It was one that even at that time barely maintained what was out there already. Certainly I do not have to tell the occupier of the chair from West Virginia that I have been through his State and there is a lot of room for improvements in the road system, and I know he is a strong supporter of this. This is certainly true

in my State of Oklahoma. It happens that my State of Oklahoma is tied, the last time I checked, with Missouri as being dead last in the quality of our bridges.

We have actually had deaths in Oklahoma. We had a lady not too long ago in Oklahoma City, the mother of three small children, who was driving and a chunk of concrete came off a bridge and killed her. This is serious stuff. This is what we are supposed to be doing here.

So we had this bill back in 2005. Since that time, we have been operating on extensions. We have done eight extensions. It is kind of complicated, but I want to explain how this works. The proceeds of the highway trust fund come from the gas tax. About 18 cents, when you buy gas at the pump, goes to maintenance of the highways and bridges in that program.

The problem has been that in recent years—it started about 10 years ago—we had surpluses in the highway trust fund, and with other people who wanted to get their deal in on the highway trust fund, we have things that have nothing to do with transportation that are there. That is one of the problems we have.

But the other problem we have is that through the efforts to encourage people to use electric cars and get better mileage and all that, we do not have the proceeds we had in years past. I think probably if we had been smart initially, we would have had the highway trust funded by a percentage as opposed to a “centage.” If it is 18 cents, it does not make any difference, it is going to be 18 cents. But if the price of fuel goes up, if it had been a percentage, then we would not be faced with the situation we have today. So that is what we have.

I applaud, I thank Senator HARRY REID, the leader of the Senate, for wanting to give it the attention, the priority in getting it on the floor so we can talk about it. In a minute, I will also be very complimentary of Senator BOXER from California.

This is something that is kind of interesting that is unique in transportation only. Here I am ranked always as one of the top three most conservative Members. Senator BOXER from California is a very proud liberal. One thing: I do not mind people being liberals if they are proud liberals and admit it. Well, she does. She is a liberal. She feels the government should have greater control of some of the things we do. Consequently, she is doing essentially the same thing as the current chairman of the Environment and Public Works Committee as I would be doing if I had still been chairman of the Environment and Public Works Committee; that is, coming up with a highway bill.

Well, we are looking at it right now. I have to share with my colleagues on the right—the Republicans, the conservatives—what we are looking at. A lot of people do not realize the bill that

is coming up is a bill of compromise. We actually passed this out of the committee unanimously. All the Republicans and all the Democrats voted for it. It is a bill where, I have to say, Senator BOXER worked very closely with us. We have reforms in here.

Going back to my comment about extensions, if we do not pass a bill, we have to operate on extending the current legislation, the current bill, the remnants, I might say, of the 2005 transportation reauthorization bill.

Now, if we do that, we do not get any reforms. So one of the things we did in this bill that gained the support of the Republicans on the committee, and most of the Republicans here, was the reforms we had.

For example, in this bill we gave—the bill that is up for consideration now—more flexibility to the States. I have long believed—and I served many years ago in the State legislature—the closer you get to home the more responsible government is. And I can tell you right now, giving the flexibility to the States to make these determinations—who are we to say that we, in our infinite wisdom and knowledge in Washington DC, are smarter than they are at the State level? We are not. Certainly, we do not know the needs like the States know the needs.

So we have the situation in this legislation where we are giving more flexibility to the States. We are reducing the number of programs. This is a big thing. I cannot tell you exactly how many programs there are because I do not have that in my notes. But I do know we have reduced the number by eliminating and consolidating programs that might be duplicative of each other by two-thirds. In other words, we only have one-third of the programs we had before. That is in this bill. That is a major improvement.

Now, looking, also, at the streamlining of project delivery, we have something called NEPA. NEPA looks after the environmental concerns when we are building roads and bridges. This bill expands the number of categorical exclusions available under NEPA and allows for steps within the lengthy NEPA process to be combined so we can get things done.

You have heard the stories—I am sure you have—of problems with everything from endangered species to other environmental concerns that cause these things to drag on and on and on, and the expense is so much greater. Well, we are eliminating a lot of those categorical exclusions. We are increasing the number so that we will be able to get that much more done.

Another thing in this law—this is very complicated—is called enhancements. I opposed it back years ago when they started putting enhancements on the highway bill. I have always said it is a moral issue. When people pay their 18.4 cents a gallon, and it goes into the highway trust fund, they are led to believe that money is going to be going to transportation, for im-

proving the roads and the bridges. That is not quite true because other deals have kind of moved in so that they are involved with it. So they passed this thing called enhancements where 2 percent of the total highway funding would have to go to what they called transportation enhancements.

A lot of people say 10 percent. It is 10 percent of the States' surface transportation funding or 2 percent of the total highway funding. I would like to do away with the enhancement program altogether. Unfortunately, that means we could not get a highway bill.

Working with Senator BOXER and with the Democrats in the committee, we came up with the perfect solution. We do not have to eliminate enhancements because the solution under this bill will allow the States to make the determination as to how they are going to spend that 2 percent of their total highway funding. Instead of using it for museums and other things that have nothing to do with transportation, we are, under the provisions of this bill that we are talking about, able to use that money for any other requirements for unfunded mandates—and there are plenty of them there, such as endangered species mitigation, storm water runoff, wetlands mitigation. They are a part of every project. So we can take that 2 percent, and instead of applying it to enhancements, we can offset the requirements that are there.

So for all practical purposes, like in my State of Oklahoma, we are not going to have any of that 2 percent for enhancements. It is not there. We have solved the problem. But we put that in the hands of States. So there will be amendments that would want to do away with enhancements. I would say we do not have to do that now because we have reformed that process.

It is a little bit complicated because we are merely saying that we have a block of money which constitutes 2 percent of the total highway funding, and instead of that going to things that we hear about that have nothing to do with transportation, we do not have to do that anymore. That will be up to the States. However, some States may feel differently. If they do, that is not their problem; that is not my problem.

So that is the type of thing we are doing in this bill that has not been there before. If we do not do it, we would be cutting highway spending down to the highway trust fund receipts. That calculates into a 34-percent cut to the States' road and bridge funding. Right now—to put this into perspective so that people will, hopefully, understand and listen—we need, and we are in the process of getting, an additional \$7.2 billion in order to be able to fund this bill as we passed it—\$7.2 billion.

Stop and think about that. If we go back to the \$800 billion stimulus bill that President Obama had—I know Senator BOXER agreed with me—more of that should have gone to highway funding. Only 3 percent of it—3 percent—went to highway funding. So we

are talking about \$800 billion which was spent. We are trying to come up with \$7.2 billion.

I have to say this and bring it up. We all remember the \$700 billion bailout. A lot of Republicans ended up voting for that, and right now we are down to—the cost is probably going to be leveling out at \$130 billion. That is the bailout that was passed.

Well, \$130 billion, when all we are looking for now is \$7.2 billion, we cannot say it is not there. As I said when I opened, this President, in his budget, has had over \$1 trillion in deficit each year for 4 years. Again, that is not the Democrats, not the Republicans, it is not the House, it is not the Senate. That is President Obama. That is his budget. That is the way it works.

I have often said when we look at the hundreds and hundreds of billions of dollars—and yet one of the prime functions we have is roads and highways, and we are just \$7.2 billion short. I think they have come up with it. I applaud the Finance Committee which has been working on this and recognized it in terms of priority that we ought to be able to do it.

They have come up with a package now that—again, this is not in my end of it; this is the Finance Committee. A lot of people think the highway bill is all in the Environment and Public Works Committee. It is not. We have the Commerce Committee, the Budget Committee, the Finance Committee, and our committee. But that end of it is in the Finance Committee. They have worked diligently. I appreciate the hard work that has come from the Democrats and the Republicans on that committee.

Now, in the event that we do not do this, we are going to go back—it will be our ninth extension. When we have an extension, none of these reforms I just talked about, none of them will end up being done. It will just be major cuts in programs.

I would only ask this: I would ask any Member of the Senate, before you draw yourself into a box where you are going to be opposed to this, what you need to do is call your State departments of transportation. Talk to them about it. Talk to the chambers. Talk to the labor unions back in your States. See what they think. This is one of the few issues where they are all in agreement—labor, chambers, all of them. They realize we have to have infrastructure in America.

I know my State is not the only State that has road problems. But I am more familiar with them because that is where I live and raise my 20 kids and grandkids. So I would hope that we look at the opportunities that we have in what is called MAP-21. That is the transportation reauthorization bill that we have under consideration at this time, and that we will do the responsible thing.

If we do rely, by the way, on extensions, our highway trust fund will be totally depleted by this next summer.

Then we are going to have to do an extension or be forced to bail out the highway trust fund. We do not want that to happen. We can preclude that from happening. All we have to do is be responsible today.

Again, this is one of the few areas where back home organized labor as well as business is all for it. Here we have the extremes, such as Senator BOXER from California and myself. We both agree this is one of the two primary functions of government. This is our opportunity to do it. I hope there will not be people on the outside looking at this and completely disregarding these hundreds of billions of dollars that, in my opinion, have been wasted and not pay attention to one of the prime functions of government; that is, doing the infrastructure for the United States of America.

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

The PRESIDING OFFICER (Mr. TESTER.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Minnesota is recognized.

Mr. FRANKEN. I thank the Chair.

(The remarks of Mr. FRANKEN pertaining to the introduction on S. 2076 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### EXTENSION OF MORNING BUSINESS

Mr. FRANKEN. Mr. President, I ask unanimous consent that morning business be extended until 6 p.m., with Senators permitted to speak therein for up to 10 minutes each with the Republicans controlling the time from 4 to 5 p.m. and the majority controlling the time from 5 to 6 p.m.; further, that the majority leader be recognized at 6 p.m.

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

Mr. FRANKEN. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

#### KEYSTONE XL PIPELINE

Mr. HOEVEN. Mr. President, I rise today to speak about jobs, energy independence, and good environmental stewardship for our country. I rise to speak about working with our strongest ally and trading partner, Canada. I rise to speak about moving forward on behalf of the American people and not delaying, not failing to act in their best interests.

Yesterday, Canadian Prime Minister Stephen Harper left for China. He left for China with five of his top Ministers, including his Minister of Trade and his Minister of Natural Resources. He also took along 40 leading businessmen

from Canada, including many of their leading businessmen in the area of energy, oil, and gas. He left on a trade mission to China. And what is at the very top of his list? At the very top of his list in his trade mission to China is selling Canadian oil to China. Why is that?

The reason is because our current administration evidently would prefer that we buy oil from the Middle East and from Venezuela rather than buying oil from our closest friend and our No. 1 trading partner, Canada.

That seems hard to believe but, if not, how else can we explain the administration turning down the Keystone XL Pipeline project after more than 3 years of study—not 60 days but more than 3 years of study. We recently passed legislation in this Chamber and in the House that was approved by the President, and in that legislation we said the President needs to make a decision on the Keystone XL Pipeline within 60 days of the date of that legislation, but that is after 3 years of study.

The administration came back and said: Well, it cannot make a decision in 60 days but forgot to mention they have been looking at it for over 3 years. In fact, let's go through that timeline. I think it is important that the American people understand the real timeline.

The real timeline has nothing to do with 60 days. The real timeline is more than 3 years that a project has been held in limbo. On September 19, 2008, TransCanada applied for a permit to build the Keystone XL Pipeline. That is more than 3 years ago. Both the Environmental Protection Agency and the State Department said they would have an answer on the project before the end of last year. They made it very clear that after going through the full NEPA process—including the full environmental impact statement, doing all of the due diligence, all the work over more than a 3-year period—they would have an answer before the end of the year.

The administration then says: No, that is not enough time. We don't have enough time in more than 3 years to make a decision, so the decision is null. You ask: Why would that be? Is this such a unique project that we have never done this before; that after more than 3 years of study—not 60 days—this is so unique we cannot make a decision in that amount of time? So the administration says no.

On this chart we see this red line that runs from Hardisty, which is Alberta, Canada, all the way down to Patoka, IL, to refineries we have in this country. This is the Keystone Pipeline. That was approved in 2 years, roughly 2006 to 2008, and then constructed. It now moves almost 600,000 barrels of oil a day from the Canadian oil sands down to our refineries. So that project already exists. We are talking about building a sister pipeline, the Keystone XL Pipeline, that will bring it from the

Calgary area, the Province of Alberta, Canada, down to Cushing, which is a major oil hub, and our refineries in the gulf.

So it is not a new concept; we are already doing it. This pipeline carries almost 600,000 barrels a day. The new pipeline would carry 830,000 barrels a day.

It is not just about Canada. It is not just about moving Canadian crude to our refineries. My home State of North Dakota, and Montana, produce oil as well—light, sweet, Bakken crude—good stuff. We need to get that product to market as well; 100,000 barrels a day from North Dakota and Montana will go into this pipeline. Now, that is incredibly important to States such as North Dakota and Montana because right now we have to move that product by truck and by train. There is incredible wear and tear on our roads, and with the congestion on our roads, there are also traffic accidents and traffic fatalities.

Mr. President, 100,000 barrels a day represents 500 truck loads a day on some of our highways in western North Dakota and eastern Montana.

This pipeline would reduce the number of truck miles to move that product by 17 million truck miles a year. So it is not just about moving that product from Canada to our refineries, it is about moving our own crude, crude that we produce in this country to market. Our States need that vital infrastructure, and the government is not building this infrastructure—not one penny of tax money, not one penny of Federal Government spending. This is a \$7 billion-plus investment from the private sector to give us the infrastructure we need to get our oil to our refineries.

So it is not a new project. It has been done before.

As a matter of fact, as my next chart shows, not only has this been done before, but the Obama administration has approved similar projects before.

In August of 2009 the current administration approved a 1,000-mile pipeline that moves 800,000 barrels of oil a day that is moving oil right now. They approved this project in August 2009. It came online in October 2010. It goes from the Province of Alberta down to refineries in Wisconsin. So they approved it in August 2009.

So what is going on here? Well, the issue they have talked about is that they have to delay this because of the western Sandhills region of Nebraska. The western Sandhills region of Nebraska includes something called the Ogallala Aquifer. The Ogallala Aquifer is obviously very important for water supply and irrigation. That is here in western Nebraska, so that concern has been raised. So we put forward legislation that addresses that issue.

We put forward legislation that follows the lead of the State of Nebraska and says: We will reroute the pipeline in Nebraska. For example, rerouting it over here where there is already the ex-

isting Keystone Pipeline. But in the legislation we put forward we say we will reroute the pipeline in Nebraska; that issue will be fully addressed, and we do not set a timeline on doing it and we expressly provide that we work with the State of Nebraska to do it.

Nebraska had a special session in November. After their special session where we all agreed to do the rerouting, the State of Nebraska—their legislature, their Governor, and their Senators—supported the project. They said: Yes, we need to move forward with the project.

As you can see, there are many pipelines through there already. Nevertheless, we said: OK, the administration said that is an issue. We do the rerouting and we set no time limit to do it. So why aren't we proceeding with the project? What are we waiting for? And what are the ramifications of waiting? Look at all these pipelines. This is not a new concept.

So I take a step back to what I mentioned earlier: What is going on here? Why is it that Prime Minister Harper, the Prime Minister of Canada in China today, is arranging to sell oil that they produce in Canada to China rather than to us in the United States when we need it so badly—not just for our economy, not just for the jobs, but for energy security at a time of incredible upheaval in the Middle East? Now this oil is going to go to China. What is going on here?

Well, the only thing that I guess we can figure is that the administration has decided they don't want oil produced from the Canadian oil sands. They have decided they don't want oil that is produced in Canada in the oil sands. The argument is that somehow that oil will have higher greenhouse gas emissions, so we are not going to take it and somehow that is not going to be produced. So it is an environmental issue. The only problem with that is that it is going to be produced. It just won't come to us, it will go to China. And maybe an even bigger irony—although certainly not a bigger problem but a bigger irony—is that the environmental stewardship will then be worse, not better. So if that is the argument, it is going in the wrong direction.

This oil, which will be produced up here—that is exactly the agreement Prime Minister Harper is now working on with China and, believe me, China wants the oil. There is no question about that. They have made it very clear. While we continue to put Canada on hold, China is working very hard to make sure that oil comes to them.

Lets talk about the environmental aspect of that. Now, instead of bringing this oil in a pipeline down to our refineries—the best technology in the world in terms of refining, so we put it in a pipeline and we have lower emissions in the very best refineries in the world—we are going to put this oil in thousands and thousands of tankers that have to go across the ocean, pro-

ducing greenhouse gases, and it is going to be refined in China, where they have lower emission standards, meaning higher emissions. They don't have the same standards we do, so we end up with more greenhouse gas, and yet at the same time we continue to have tankers of oil coming in from the Middle East producing more greenhouse gas because we can't get the oil from Canada.

So if that is the argument, what are we doing? We are saying: OK, we are going to say no to the jobs and we are going to say no to the fact that we can be energy independent in terms of oil. Between the United States and Canada, we can be independent in our oil needs. We won't need to get oil from Venezuela and we won't need to get oil from the Middle East—a huge national security issue. Look at what is going on in Syria and look at what is going on in Egypt and look at what is going on in Iran. Look at what is going on with the price of gasoline. We can become oil independent with our best friend and ally, Canada, but we say no instead. After 3 years, we are going to say no to the project, so Canada sells it to China and we get worse environmental stewardship.

I hope the American people fully understand exactly what is going on here because it is time to act. Right now, Prime Minister Harper is talking to President Hu Jintao, the President of China and, believe me, China wants the oil. Prime Minister Harper and Canada, our closest ally in the world, have waited 3 years—3 years—to get a “no” answer from the administration. So we will see what kind of agreement he comes back with from China.

The reality is, it is time to act. Here are some of the pipelines that are moving crude oil and other product around our country. Do we really think that is a problem, particularly when we put in legislation—when we went specifically and found out what the administration's concern was and we solved it and we built it into the legislation? The time has come to act. I call on my colleagues to join me. We put forward legislation that addresses the concerns. But it is time to act for the good of the American people.

Thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. Will the Senator rescind the suggestion, please. Mr. HOEVEN. I will.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

Mr. SCHUMER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.



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

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

### THE ECONOMY

Mr. DURBIN. Mr. President, the January jobs report shows that President Obama and many others have joined to help put our economy on the path to recovery. The economy added 257,000 private sector jobs in January. That is the 23rd month in a row that the economy has added private sector jobs, for a total of 3.7 million payroll jobs over that same period.

In January, the unemployment rate fell again from 8.5 to 8.3 percent. The unemployment rate has fallen .8 percent since August. That is the first time in almost 17 years that the unemployment rate has fallen for 5 consecutive months.

Job growth is occurring across many sectors of our economy. In Illinois, we are seeing manufacturing jobs return, some from overseas, and across the country last month the manufacturing sector added 50,000 new good-paying jobs.

Don't get me wrong, we still have a long way to go. We have to quickly agree on the extension of the payroll tax cut, which will expire in just a few days. We have to ensure that unemployment benefits for those looking for work are continued. We are on the right track, but we shouldn't rest in our efforts to foster an economy that is built to last.

I am not a deficit and debt denier. I understand the gravity of our fiscal challenge, and we need to work to resolve these problems. I hope my work on the President's fiscal commission and as part of the Gang of 6 shows a commitment to this issue. However, as Ben Bernanke, Chairman of the Federal Reserve, said last week:

Even as fiscal policymakers address the urgent issue of fiscal sustainability, they should take care not to necessarily impede the current economic recovery.

Fortunately, the two goals of achieving long-term fiscal sustainability and avoiding additional fiscal headwinds for the current recovery are fully compatible—indeed, they are mutually reinforcing.

On the one hand, a more robust recovery will lead to lower deficits and debt in coming years. On the other hand, a plan that clearly and credibly puts fiscal policy on a path to sustainability could help keep longer-term interest rates low and improve household and business confidence, thereby supporting improved economic performance today.

We can grow our economy and reduce the deficit. In fact, it is arguable that we can't balance our books or the budget with 14 million people out of work. We have to work to put this economy back on its feet, to put Americans back to work earning good incomes, paying their fair share of taxes, and sustaining a growing economy.

A credible deficit reduction plan will include investments that look to the

future. Not only can we be fiscally responsible and still invest in infrastructure, education, and innovation, we can only be fiscally responsible if we do make those investments. Failing to invest in the future is a recipe for more intractable fiscal problems in the years to come.

Those who say just cut spending and ignore the consequences ignore the reality. There are those who say that government spending is holding our economy back. They say that if we cut government spending, somehow we are going to enliven and rejuvenate this economy. History tells us quite a different story. President Clinton presided over the strongest period of private sector growth in recent memory, and he did so while government spending grew every year from 1995 to 2000. In 3 of those years, President Clinton generated a balanced budget—the last balanced budget we have seen in Washington.

It is clear to me that we should be heartened by the recent positive economic data, but we can't mistake it for a signal to retreat. We have to continue working to build a strong and fiscally sound economy for the 21st century. A critical element in that is unemployment insurance. The January report, as I mentioned, says we are on the road to recovery, adding 257,000 private sector jobs, with the unemployment rate dipping from 8.5 to 8.3 percent. Even with these gains, more than 12½ million people are still unemployed and actively looking for work. Even more concerning is the number of longer term unemployed, which remains at about 5.5 million. The trouble finding work isn't due to lack of initiative. We need more jobs. And until there are more jobs available, we should maintain unemployment insurance benefits at current levels.

Maintaining the current level of Federal unemployment insurance has proven to be one of the best things Congress can do to breathe life into this economy. The Congressional Budget Office—respected and bipartisan—estimates that every dollar we put into unemployment insurance not only goes into the economy but is spent and is worth \$1.90 in economic activity. Late last year, the Economic Policy Institute estimated that extending Federal unemployment benefits for 1 additional year generates \$72 billion in economic growth, creating over 560,000 jobs over the course of the year.

An estimated 3.2 million people were kept out of poverty simply because of unemployment insurance checks. As of the end of last year, 200,000 individuals were collecting unemployment in Illinois, with 43 percent of those unemployed people having children in their homes.

I came to the floor today to reinforce for my colleagues and the conferees working on the payroll tax-unemployment insurance bill that this isn't just about numbers, it is about real lives.

I received a letter from Laurel in December, who does a far better job of il-

lustrating the role of unemployment benefits than anything I can say. Here is what Laurel wrote:

Thank you for working late nights. I am from Evanston, IL. I graduated from Evanston Township High School. My position as Ethics and Compliance Manager in a large multi-national conglomerate was eliminated last December 2010.

I am trained as a lawyer, and have worked in international law, economics and policy. In addition to a law degree, I have a Master of Science in International Relations from the London School of Economics. I wrote my thesis about US trade policy, the now expired Agreement on Textiles and Clothing, and international economics and labor at LSE.

After working for a think tank in London on democracy and participation, I went to law school. During law school, I interned at the United Nations and later for the legal and regulatory group of a Wall Street research service.

I was working in the legal department of Smiths Group on international compliance issues when I was laid off. While working for Smiths Group, I studied for an LLM in international comparative law in the evenings.

After being laid off, I received severance from my previous employer and was able to get a short-term contract with the World Bank after only a few weeks of unemployment. However, since the end of that contract in July, I have not been able to find a job or get a contract.

My first phase of unemployment ended in November. I have now been receiving unemployment insurance payments for 7 months, just beginning Phase II. If unemployment insurance extensions are not renewed, I understand I will no longer receive payments.

I am a 38-year-old single female living alone. My parents are elderly, and my mother was just diagnosed with breast cancer. My dad has had two strokes in the last 6 years.

I am paying \$402 a month in COBRA payments to keep my health insurance. I rent an apartment and unemployment just barely covers my rent. I have been living on savings since July. Without the help of unemployment, I will not be able to pay my rent, and I am terrified.

I have had over 20 informational interviews and applied to 42 jobs since I first heard my job might be eliminated last November.

The extension of unemployment insurance means something to me personally. I need more time. I believe at least with some of the applications I have submitted in both the private sector and government agencies, the companies have not hired anyone despite posting a job. I believe many companies are waiting to see what will happen with government contracts, and agencies are stalled due to the hiring freeze or funding. I know something has to come through soon . . . I support the efforts to support the extension of unemployment benefits.

Is this an example of someone who is not trying, someone who is not trained and educated? Just the opposite. Here is a person who clearly has been driven her entire life to develop skills, to challenge herself, to improve her ability to earn and learn, and here she is out of work and desperate. She doesn't know which way to turn. She is single. She may not be able to pay her rent. Are unemployment benefits important for her to keep her on the track of finding a job? Of course they are. The money we give her will be spent back into the economy to create a better economic climate.



I have received thousands of letters along these lines in the last 2 years. If Congress doesn't move quickly to maintain unemployment insurance benefits, millions of workers relying on this program will be left without a lifeline. The Joint Economic Committee estimates that 3.3 million workers will exhaust benefits by June if we fail to act—nearly 170,000 in Illinois. I am concerned about what this will do to our country and especially what it will do to these people—our neighbors, members of our families, friends, folks who just need a helping hand.

Prematurely ending unemployment insurance or the payroll tax cut would make our economic recovery more difficult. There may be some political strategists who would applaud that, saying: Well, a little bit of pain for a few months here and we can change that President into another person. Let someone else take the job.

I think that is very shortsighted. Of course, I support the President, make no mistake about it, but to sacrifice the well-being of this country and the growth of our economy for the sake of an election is just plain wrong.

Conferees in the Congress must act soon to maintain a robust unemployment insurance system for those still struggling to find work. Now is not the time to roll back unemployment insurance.

#### MARKETPLACE FAIRNESS ACT

Mr. President, there is one other issue I would like to raise at this point, and it is one I have worked on for some period of time with Senator MIKE ENZI. It relates to a phenomena all of us are aware of—Internet sales. There is hardly an American with access to a computer who doesn't buy something on the computer. I do, and lots of families do—some of the basics, in addition to some other things that may be just aspirational purchasing. But the interesting thing that has happened over the years is we have allowed the Internet retailer to have a different position when it comes to their tax liability.

I talked to a lot of local businesses in Illinois, small businesses, businesses on Main Street. Some of them think things are getting better and I do too. They sense the worst may be behind us and the future is looking brighter. But at the same time, they share with me the frustration they have currently now with customers coming into their shops and businesses looking for everything from running shoes to sporting equipment—you name it—and then, just about the time when they have tried on the second or third pair of shoes, looked in the mirror, got everything squared away as to what they are going to buy, they sometimes pull out their phones, turn on an app, and take a picture of the barcode on the product.

You see, there is an app which allows a person to find out where they can buy that very same product cheapest on the Internet. So here is the local retailer doing their part to make a sale, and it turns out they get nothing from the experience.

What is the advantage that Internet sellers have over those who have businesses on streets and highways across America? One advantage relates to sales tax. In my home State of Illinois, the payment of sales tax on Internet purchases is voluntary and personal. If one does not declare it and pay it, it is not collected. We are supposed to pay it, but many people do not. So those selling on the Internet, subject to local sales tax, in fact are not collecting that sales tax. I think that can change and should.

Becky Anderson owns Anderson Bookstores in Naperville, IL—a great little town. She described to me how she loses sales every day because consumers walk in, ask her questions, and then buy an item online from remote retailers because they do not collect sales tax.

Becky understands most customers do not realize they do owe the sales tax to the State of Illinois and local units of the government. They say:

This runaway train may undermine more than our bottom lines. It's not a stretch to say entire Main Street districts could disappear.

That is Becky's conclusion after having watched what happens with these Internet sales not collecting sales tax.

She talks about how a local shoe store in downtown Naperville was forced to close and lay off employees, strictly because of Internet sales. The local business owner, Michael Abt, president of Electronics, in Glenview, IL, described in detail how our current system results in a built-in price advantage for Internet retailers. Mike said:

Oftentimes with consumer electronics, the profit margin is 10 percent or less. Abt collects 9.25 percent sales tax. When an online competitor does not collect it and then offers free shipping, it is a huge advantage for [his] competition.

Local businesses will never be able to compete if we continue to provide a built-in price advantage for online retailers by exempting them from sales and use tax collection. There was a time, I guess—and I heard the argument here—that we did not consider the sales tax for online sales because, the argument was made, they may not survive; it is a fledgling industry.

That day is long gone. They are certainly not fledgling; they are in full flight.

Over the past decade, online retail has become an important part of American commerce. Online retail allows customers to compare prices, shop around right in the comfort of their living room. At the same time, local businesses such as Anderson Bookstores in Naperville compete with online retailers by trying to provide good service at the lowest prices they can. These local businesses also invest in our communities. They hire local workers. They pay local property taxes. They are involved in communities supporting baseball teams and charity efforts in their community.

They are our neighbors and they deserve a fair shake.

Last year, Senator ENZI, LAMAR ALEXANDER of Tennessee, and I joined in introducing the Marketplace Fairness Act, with seven additional cosponsors—Senators TIM JOHNSON, BOOZMAN, JACK REED, BLUNT of Missouri, WHITEHOUSE, CORKER and PRYOR. We recently added Senators BENNET and CARDIN. This bipartisan group of Senators understands we have to do more to ensure a fair marketplace for American businesses. The bill will level the playing field for Main Street businesses and limit the current built-in price advantage given to online retailers. It allows States to treat brick and mortar retailers the same as online retailers by providing two streamlined approaches for States to require collection of both sales and use taxes.

The bill also includes a small seller exemption that will ensure small online retailers are exempt from the requirement to collect sales and use taxes. The notion is that if Grandma Franken has an apple butter recipe and makes a few cases each year to the delight of all her neighbors, she will not be burdened with this responsibility of selling it online and collecting sales tax.

Let me be clear. This bill does not impose any new taxes. This bill does not raise taxes, period. It does not amend the Internal Revenue Code at all. It simply is a collection issue that for too long has put local businesses at a disadvantage. The real job creators in America, many of them, are the small businesses in our communities that struggle to get by every day, and when they get better and they get well, America gets well. Now is the time to help these retailers.

It also is going to help State and local budgets, those that are trying to make ends meet in a tough economy. I hope we can get this done and done quickly.

One thing I would like to add. The largest online retailer in America, amazon.com, supports our legislation. We are not at war with online retailers. They have concluded it is best to have a uniform, streamlined system that uses available software for collection from a retailer and distribution through the State departments of revenue. It is voluntary. We do not impose a mandate on any State to adopt this, although I think every one of them will, and this moves us finally in the direction of fairness—fairness not only for those who are doing the bricks and mortar sales but fairness for all customers and all retailers across America.

I commend this bill to all colleagues. If we truly believe, as many of us have spoken time and again, in the value of small business to economic recovery, most small businesspeople will tell you this is a critical element in their competitive edge and their ability to hire more people and be able to be profitable all across the Nation.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

#### HHS CONTRACEPTION MANDATE

Mr. COATS. Madam President, I rise today to call upon the President of the United States to rescind one of the most radical and unconstitutional mandates ever issued, a mandate that requires faith-based organizations, hospitals, and educational institutions to provide and pay for health insurance coverage that violates the fundamental tenets of their faith.

Our Founding Fathers believed so deeply in the importance of religious freedom that they made it the very first American principle in the Bill of Rights. The first amendment to the Constitution reads, in part:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

On January 20, the Obama administration announced one of the greatest deviations from this constitutional guarantee of religious freedom in our Nation's history. This Federal rule is a blatant assault on the conscience rights of any organization or any individual who opposes abortion or the use of contraceptives.

While I am a pro-life Senator and believe that life begins at conception, I am not someone that supports banning contraception. But I do support the right of those who hold the belief that those tenets should be respected, and that Federal mandates, Federal regulations, and Federal laws should not be used to overturn that belief.

I do not believe this ruling was an oversight. The Obama administration doubled down on its ruling by ignoring the numerous efforts by faith-based organizations to be granted an exemption. This issue is not a debate over whether the use of contraceptives is right or wrong. This is not a debate over whether the health care law is the right policy or the wrong policy. I do believe personally that the ObamaCare policy is the wrong policy for this Nation. But this is a debate over whether the Congress is going to sit idly by and watch the administration walk all over freedom of religion—and not just the Congress but the institutions of America and the people of America—a core American principle or will we stand and protect what our Founding Fathers put their lives on the line for and what millions of Americans practice each day.

Catholic institutions, whether they be social services or universities such as the University of Notre Dame in

South Bend, will have one of two choices: they can either pay for health insurance that covers things such as sterilization or birth control, despite their deeply held religious objections, or they can refuse to offer any sort of health insurance to their employees, which will result in these organizations facing significant fines and penalties while their employees are forced to seek health insurance elsewhere.

In other words, the Obama administration is saying: Compromise your religious beliefs to comply with our massive Federal health care law or you and your employees will face a penalty.

While this decision will greatly impact many in the Catholic faith, it will also extend beyond a singular religious denomination. A wide variety of religious institutions and organizations across the country will resist providing insurance coverage for birth control. Cardinal-designate Timothy Dolan, president of the U.S. Conference on Catholic Bishops, said:

Never before has the Federal Government forced individuals and organizations to go out into the marketplace and buy a product that violates their conscience. This shouldn't happen in a land where free exercise of religion ranks first in the Bill of Rights.

Although a blatant violation of the first amendment, this ruling is a culmination of attacks on religious and faith-based organizations by this administration. I fear, as Washington Post columnist Michael Gerson noted in his article today, that such a trend will threaten the good work being done by faith-based groups—of any faith—whether it be Catholic, Protestant, Jewish or Muslim. Any group or non-profit hospital or charity that is working to provide services to people in need now has to compromise their basic religious tenets in order to continue to provide that insurance coverage for their employees or pay a fine by not doing so.

There have been some bills introduced in the Senate to rescind this. I would hope that those in the administration who are listening to the people and listening to the protests that are being made against this almost unconscionable mandate will not stand by idly and wait to see whether Congress will act because we will act. We will act as soon as we can. I would hope that they would reconsider this sweeping unconstitutional ruling which is in direct violation of the first amendment.

George Washington once said:

Every man, conducting himself as a good citizen and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience.

We must take a stand to protect this inalienable right, the right of conscience established by our Founding Fathers and sustained for over 200 years.

Mr. President, you can undo this wrong by rescinding this mandate that

has been imposed in violation of the most basic of human rights and principles of our Constitution. I am calling on you to do so.

I yield the floor.

Mr. BOOZMAN. Madam President, I ask that I be recognized to speak.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BOOZMAN. Madam President, I come to the floor today to add my voice in opposition to President Obama's unwillingness to respect the conscience rights of religious institutions.

On January 20, the Department of Health and Human Services issued a mandate requiring almost all private health insurance policies, including those issued by religious institutions, to cover free sterilizations and contraceptives at no cost to policyholders.

What this means, in simple terms, is that churches are exempt from the mandate, but institutions such as church-run universities, hospitals, and nonprofits must comply with the government regulation. Therefore, in order to continue to operate, these church-run institutions must violate the very beliefs that inspire them to care for the least among us.

I would not be surprised to see many of these faith-based institutions disappear should this mandate move forward. Despite the President's contention this outcome is not what he intends, his mandate unfairly forces people to choose between their health and their moral or religious values.

Many parents, Christians and others, object to sterilization, agents that abort, and contraceptives. Americans should not have to pay for services or health care plans that conflict with their deeply held religious beliefs. This is purely a political decision on the part of the administration, and it shows that President Obama will do whatever necessary to appease his base and protect his own job, even if it means the blatant infringement on first amendment rights.

With this mandate, President Obama is not only trampling religious liberties, he is also confirming what many feared when this health care bill became law. Americans saw this massive expansion of government as a threat to individual rights. This mandate, one of the first based on the President's health care bill, does little to comfort those concerns. In fact, it comes across as confirmation the President intends to force on us his belief that he knows what is best for Americans when it comes to our health care choices.

In an effort to fight the administration's overreach, I have joined with several of my colleagues in supporting legislation to protect freedom of conscience and prohibit the government from imposing mandates on our religious employers. Religious institutions play a critical role in our communities. If Federal policies make it difficult for those institutions to continue important social services without going

against their principles, it will hurt the least fortunate among us by threatening the much-needed assistance and outreach provided by religious groups across the Nation.

The seemingly endless number of regulations this administration has handed down to the American people needs to end. Let us force the President to govern in a manner that respects the values of the American people, not just his base. Protecting religious organizations from this overreaching mandate is certainly an excellent place to start.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Kansas.

#### CHILD FARM LABOR RULES

Mr. MORAN. Madam President, I am here today to raise once again a topic about how we raise our children in rural America, and I want to talk for a few moments about the proposed Department of Labor child farm labor rules.

Last week, we had perhaps what would be considered a piece of good news. The Department of Labor announced it would withdraw and repropose the parental exemption portion of their proposed child labor rules. I am worried, however, despite this good news, there are still a lot of consequences that will occur as a result of the proposed rules that are not being withdrawn, and there is no suggestion they are going to be reproposed.

The thing I want to make clear to my colleagues is that while the Department of Labor announced they were going to withdraw a portion of the rules, unfortunately, the majority of what is going to be offensive, difficult, and a challenge for our way of life in rural America remains.

Last year, of their own volition—no direction by Congress—the Department of Labor proposed a set of rules to put restrictions in place upon a young person's ability to work on a farm, including their own family farm. What we are talking about here is youth less than 16 years of age. Those rules, as proposed, would actually restrict the ability of a son or daughter to work on their parents' farm.

The current rule is that if your parents own a substantial interest of that farming operation, you can work on your family's farm. The rules as proposed by the DOL are going to narrow that definition, as follows: If your family operates in a family farming corporation or a limited liability company, these new restrictions would apply. Fortunately, that portion of the proposed rules the Department of Labor has withdrawn, and I assume they will be reproposing what their definition of a family farm is.

The point I want to make is that so much of the proposed rules yet remain, and the remaining portions of the rules still threaten to fundamentally alter agriculture as we know it today. If the DOL rules, as now proposed, go for-

ward, the education and training for the next generation of farmers and ranchers will be severely disrupted.

We have relied upon 4-H, FFA, and county extension programs to provide farm safety training and certification for a long time. The Department of Labor now says they no longer want those programs to qualify because they are too local. They want a national standard. They want to replace with a Department of Labor safety training program what has traditionally and very effectively occurred through 4-H, FFA, and county extension programs.

The Department has, in my view, ignored research that shows the programs we currently have in place with FFA and 4-H and county extension improve the safety habits of young people, and instead criticizes these training programs for being too locally driven and lacking Federal direction. Their solution is to nationalize these programs and have them run by the Department of Labor. In my view, local experts in our high schools, our FFA programs, and our 4-H clubs should be the ones conducting training programs and educating our young people. And parents and communities should be allowed to look after the best interests of their families and their communities and citizens.

The Department of Labor, in addition to attacking the programs that are in place, that are valuable to us in rural America, is also proposing to change the so-called agricultural hazard occupations. The proposed rules would prohibit a young person under the age of 16 from participating—even with the certification and safety training from the Department of Labor—in doing such things as rounding up cattle on horseback or operating a tractor.

The proposed rules say you cannot be involved in production agriculture if you are more than 6 feet off the ground. In today's environment, in today's agriculture, tractors and combines are 6 feet off the ground.

You can't clean out a stall with a shovel and a wheelbarrow. Those are things I am sure the 15-year-old does not want to do, but they are important to a family's farming operation, they are important to agriculture and of value to a young person in their training and developing skills that are important to them for the rest of their life.

They can't work in a pen with a bull or mama cow. Here is one that really stands out to me: No engaging or assisting in animal husbandry practices that "inflict pain upon the animal," such as branding, breeding, dehorning, vaccinating, castrating, and treating sick animals. The "inflicting pain" restriction sounds like something more than an interest—"inflicting pain" sounds like a different standard than really worrying about the young person's safety. These are important tasks that have to be done on a farm and that young people can safely do.

One additional example that stands out to me is that they are suggesting

in the rules that they would limit a young person's exposure to direct sunlight if the temperature reaches a certain limit once you factor in wind velocity and humidity. How does that work in the practical world of agriculture and farming today? For someone in Washington, DC, to propose rules that restrict a young person's ability to work on a neighbor's farm because of the amount of sunlight, wind velocity, and humidity is something that again, in my view, demonstrates a lack of understanding about how things work in the real world.

One would assume the Department of Labor, before making such drastic changes to farm labor rules, would have identified reliable evidence and data to show the need for changes. In fact, the Department of Labor admits it lacks the data to justify many of its suggested changes.

Furthermore, according to the National Farm Medicine Center, youth-related injuries from farm accidents have declined nearly 60 percent from 1998 to 2009. I have no doubt that if you ask a farmer or a rancher about the importance of safety, they would tell you that safety is a top concern, especially when they are dealing with a young person. But they would also tell you that critical to a rural way of life is being able to train and encourage the next generation to safely and successfully pursue careers in agriculture. If today's young person is not given the chance to learn at a young age what it takes to operate a farm, we put at risk the future of agriculture in our Nation.

I have always had a strong interest in agriculture. The economy of my State of Kansas revolves in many ways around the success of farmers and ranchers. Communities across our State are dependent upon the success, the profitability of production agriculture. But I also have known and strongly believe there is something more than just economics to family farms. This is the way that historically, in our country, in our Nation's history, we have transmitted our character, our values, our integrity, our love of life, and our understanding of how things work from generation to generation. It has worked. It has been an important component of our country's history, who we are as American people.

Today, across Kansas, when I visit with business owners, they tell me they love to hire farm kids because they have a different characteristic, a different makeup, a standard that is different from other people. They learn something about reliability and that work does not get done if you do not show up, that it is not about punching the clock to check in and to check out, that a calf is born at times that are inconvenient to a farmer. There is just a different set of characteristics a young person develops by growing up and working on a family farm. If these changes go into effect—and the rule as

proposed is being considered, and it is expected we will have an answer from the Department of Labor within several months as to what the final regulations will be—if these rules go into effect as they are written, not only will we see a shrinking rural workforce, but our Nation's youth will be deprived of valuable career-training opportunities and a certain way of life many of us highly value will disappear.

It is important to us as a country—certainly to a State such as mine—that a young person experience the value of farming. I do not know how many times you talk to somebody who has determined what their career is going to be based on an experience they had as a young person and their ability to know what they want to do with their life is determined by the experiences they had as a young child. Our country cannot afford to lose the next generation of farmers and ranchers.

This rule should be withdrawn in its entirety. We know rural America's values are not always Washington values, and in the weeks ahead I ask my colleagues and Americans across the country to express their opposition to the Department of Labor for this destructive rule. Do not allow it to move forward so we can protect our values for the next generation of American farmers and make sure rural America remains a great place to live, grow, and raise a family.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

#### TRIBUTE TO ELI MANNING AND THE NEW YORK GIANTS

Mr. COCHRAN. Madam President, I am pleased to rise in the Senate today to congratulate Eli Manning and the New York Giants football team for their great victory in the National Football League championship game. As most Senators probably know, Eli is a graduate of the University of Mississippi and he lives in Oxford, MS, during the off-season.

The Giants' 21-to-17 victory was the second NFL championship for this team in the last 4 years.

Eli Manning began the game by completing his first nine passes, which was a new Super Bowl record, and he was named the Most Valuable Player of the game. He became the fifth player in NFL history to win multiple Super Bowl Most Valuable Player awards. During the regular season, Manning threw for 4,933 yards and 29 touchdown passes, including a NFL record of 15 touchdown passes in fourth quarters. He also led six game-winning drives that allowed the Giants to overcome deficits in the final stage of their games.

Manning and his wife Abby have supported many worthy causes and have made a strong commitment to the health and education of young people in Mississippi. They have made a pledge to raise \$2.5 million for the Eli

Manning Children's Clinic at the Hospital for Children in Jackson, MS, and they have also donated \$1 million to start the Ole Miss Opportunity Scholarship Program, which helps children in Mississippi with special financial needs to have the opportunity to attend college.

Manning has served as a member of President Bush's Council on Physical Fitness and Sports and is active with many other organizations, such as the March of Dimes and the American Red Cross. His commitment to voluntarism and national service is very impressive and worthy of high praise.

I am very proud to congratulate Eli Manning and the New York Giants as Super Bowl champions.

The PRESIDING OFFICER. The Republican leader.

#### HHS MANDATE

Mr. MCCONNELL. Madam President, throughout my Senate career I have spent a lot of time defending the first amendment. Most of it I spent defending one particular clause of that amendment, the one relating to the right of free speech, but recent events have shown quite unexpectedly the urgent need to defend another clause in the first amendment. I am referring, of course, to the right of free exercise of religion.

Make no mistake, the Obama administration's decision to force religious hospitals, charities, and schools to comply with a mandate that violates their religious views is abhorrent to the foundational principles of our Nation. No one in the United States—no one—should ever be compelled by their government to choose between violating their religious beliefs and being penalized for refusing. Yet that is precisely what this mandate would do.

One out of six patients in America is treated at a Catholic hospital. Catholic Charities is the largest provider of social services to poor children, families, and individuals in America. The Catholic Church runs the largest network of private schools in this country. These institutions have thrived because they have been allowed to freely pursue their religious convictions in a country that, until now, respected their constitutional right to do so. But this ruling should send a chill up the spine of people of all religious faiths and even of those with no faith at all because if the state—in this case, the Federal Government—is allowed to violate the religious rights of one religion, then surely it can violate those of others. If the rights of some are not protected, the rights of all are in danger. Isn't that what history clearly teaches? Isn't that what the Constitution is all about?

The Obama administration has crossed a dangerous line. The Founders knew that the right of religious belief is inviolable. They gave this God-given right the pride of place they knew it deserved, right there in the first

amendment, so that Americans would never have to fear its loss. Unfortunately, because of the actions of this administration, Americans now do.

This is a huge mistake that I hope the administration is currently reconsidering, and if they do not, Congress will act. The first amendment rights of the American people must be protected. Those of us who recognize the fundamental importance of religious freedom to our Nation will see to it that it is respected by this government and restored in full.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. 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. BLUNT. Madam President, I want to talk about this recent HHS directive to faith-based organizations on health care and suggest that it is exactly the kind of problem many of us were concerned would develop when the government said it was going to take a greater role in deciding what health care would be like and who would make health care decisions. In this case, what kind of insurance could an employer give its employees if it is a religious organization?

There are several pieces of legislation that might deal with this issue. My guess is there will be several more unless the administration deals with it quickly and withdraws the position they have taken, which is that faith-based institutions would have to offer health insurance policies that violated their faith principles. It is a fundamental first amendment right of Americans to have the ability to pursue their faith-based principles.

In the Religious Freedom Restoration Act of 1993, passed by a Congress with a Democratic majority in both the House and Senate and signed by President Clinton, it appears to be clear that this is an incursion that the law itself, as well as the Constitution, does not allow. One of the most objectionable issues about the White House position—the administration's position—is that we want you to change your principles, and we are going to give you a year to accommodate that change.

Principles based on faith cannot be accommodated in a year. In fact, they should not be accommodated in a lifetime. They are exactly that; they are principles based on faith. This is about institutions that run hospitals, schools, daycare centers, all sorts of things under the umbrella of the mission of who they are. This is about how their employees relate to them as providers of health care insurance and the kind of insurance they provide. This is

not about just anybody you might run into; this is someone who has chosen to work for one of these institutions. This is someone who has chosen to affiliate themselves with one of these faith-based organizations.

Clearly, the Catholic bishops are outraged. I have a letter here from Bishop Carlson in St. Louis that was read in Missouri churches last week talking about this, and it says: In so ruling, the administration has cast aside the First Amendment to the Constitution of the United States, denying to Catholics our Nation's first and most fundamental freedom, that of religious liberty. As a result, unless the rule is overturned, we Catholics will be compelled either to violate our consciences or to drop health coverage for our employees and suffer the penalties for doing so. The administration's sole concession was to give nonprofit employers, like hospitals and universities, which do not currently provide such coverage—the coverage which the administration was demanding—one year in which to comply.

I have another report from the chief of the Catholic military chaplains who wanted to send a letter to be read and which the military initially said could not be read. The U.S. Army said that the letter written and sent by the archbishop in charge of Catholic military chaplains could not be read in services. And after a discussion with the Secretary of the Army, that was changed but apparently only if some of the letter would be taken out.

This is way over the line of where the government should be. Unfortunately, it is exactly the line that many of us feared would be crossed whenever the government begins to think that the government is the person to make health care decisions, whether that is a decision that you and your doctor should be making between the two of you or the kind of insurance you and your family choose to have or, in this case, the kind of insurance you and the institution you represent chooses to offer to the people who are working there. This is wrong. I think people know it is wrong. This is something that cannot be allowed to stand, and I wish to turn to my friend from New Hampshire to talk about this with me for a little bit.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Madam President, I certainly share the concerns of my colleague from Missouri, and I share the concerns of my constituents in New Hampshire and citizens across this Nation who see the recent rule issued by the administration for what it is, an unprecedented, unnecessary affront to religious liberty in our country.

I wish to say at the outset that this issue is not limited to the Catholic Church. The administration's new health care mandates on religious institutions impact all religions. Religious freedom is a foundational American right enshrined in our Bill of

Rights. The first amendment to our Constitution makes clear that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Unfortunately, I see the administration chipping away at these bedrock freedoms as it engages in a troubling pattern here with respect to this rule, and I think we saw that the President's new mandate on religious institutions highlights the deep flaws in the health care bill.

This unconstitutional law was moved through Congress and signed by the President 2 years ago without the type of due consideration, transparency, or accountability we would all expect, and we have been suffering the consequences since. It is highlighted with what we see with these recent mandates from Health and Human Services.

I wish to share some of the concerns my constituents have raised about these mandates that were recently issued by Health and Human Services. There is a letter I received this week from William Edmund Fahey, who is the president of Thomas More College in Merrimack, NH, and he says: To condition the availability of medical benefits upon a community's willingness to violate a cardinal teaching of its faith effectively prevents the full practice of its religion; and thus, again, violates the free exercise of a constitutional liberty.

He pleaded with our delegation, the New Hampshire congressional delegation, and he said: I hope you will see that the mandate undermines the Constitution, compromises the integrity of the government and abuses the foundational principle that free associations form an essential part of the social fabric of the United States.

We are fortunate in New Hampshire to have a number of very effective Catholic institutions and organizations. We have the Catholic Medical Center in Manchester which serves so many in the Manchester community and surrounding areas. The Catholic Medical Center has also expressed concerns about the mandate, saying: It would force us to offer services that were against our ethical and religious directive or force us not to offer insurance altogether.

They added: Neither are acceptable options.

The president of one of our great colleges in New Hampshire, Saint Anselm College, President Jonathan DeFelice, said: In a country and a State that values and respects individuals' rights to exercise their religious beliefs and live according to their conscience's best light, it is simply appalling to think that this mandate is anything other than an unprecedented incursion into freedom of conscience.

I have heard many concerns from my constituents, and I would hope that Health and Human Services would stop what it is doing right now, this mandate that places religious institutions in this impossible position, with this

impossible choice of violating their core beliefs in order to comply with a mandate or dropping employee insurance coverage altogether. We should not be putting these organizations that do great work throughout this country in that position. And, again, this is not an issue that just applies to the Catholic Church; this applies to all religious institutions.

I would ask my colleague from the State of Missouri: As a result of our concerns about the actions of the administration, we have offered legislation to address this, and what does that legislation do in order to make sure that this mandate does not go forward?

Mr. BLUNT. That is a good point. I wish also to say that this is not about just about one set of religious beliefs. The current discussion is about specific items in a health care plan, but there are lots of faith-based groups with different views of how you deliver health services that have been working on these issues for some time now, and I met with a lot of these groups. This is an issue of conscience, whether it is the Catholic Church, the Christian Science Church, the Seventh Day Adventist Church, the Baptist Church that I am a member of. There may be different views of this, but the views are not views that can be put forth by the government, and that becomes the government view.

There was a recent Supreme Court case, *Hosanna Tabor Lutheran Evangelical Church and School v. Equal Employment Opportunity Commission*, where the Court voted 9 to 0 that faith-based institutions have privileges that others do not have because that is what makes them faith-based institutions. The hiring decisions, the firing decisions, the workplace decisions are different because if they are not different, it is just another school or another hospital that might happen to have a theology department or might happen to have a chapel once a week. That is what it is.

Senator AYOTTE, Senator RUBIO, and I have worked on various ways to approach this. We offered a bill some weeks ago on these issues of conscience that would create a respect for rights of conscience. The Respect for Rights of Conscience Act, which was drafted early last year, has the full support of the major groups that are concerned about these conscience issues. The Christian Medical Association, the Becket Fund, and others have said that we need to be concerned about these issues, whether it is a hiring decision now or a health care decision, and what do we do to protect health care providers and insurers, including purchasers, from being forced to violate their own principles by buying a policy or offering a policy that provides things they don't believe in their faith group are the right things to offer.

I saw one of the President's advisers early this morning beginning to back away from this and say: Suddenly this one year has become—we are just seeking information during this year. That

is not what they were doing at all. What they are doing is saying, you are going to comply with this rule and we are going to give you a year to figure out how to compromise your principles in a way that applies, and that is the wrong thing to do. Whether it is the Respect for Rights of Conscience Act or other legislation, if the administration doesn't take care of this administratively, I believe it will be taken care of legislatively.

When you have bishops, church leaders, and people who have spent their lives dedicated to hospitals, schools, and other institutions that reflect their faith principles, you cannot suddenly decide that those don't matter or they can be changed in a year. They also will need to have some legal cause of action to pursue this, just like the Religious Freedom Act in 1993 created cause of action. One cannot go in and have an unreasonable incursion on the faith beliefs of people under the first amendment. No matter how good you think the cause might be, it is not good enough to violate that fundamental principle.

Senator AYOTTE has had lots of contact—I think many of us have. If you were in a military service last week, you might have heard one of these letters read. I saw the line that had to be taken out of the letter apparently that the Army wouldn't otherwise—was standing in front of, but was read in the other services, which was the line that said: We cannot, we will not comply with this unjust law.

When the government begins to tell people to do things that violate their faith principles, the government has gone too far.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BLUNT. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The majority controls the time until 6 p.m., and Senators are limited to speak for up to 10 minutes each.

#### WOMEN'S HEALTH

Ms. MIKULSKI. Madam President, I claim 10 minutes of the Democratic majority time. I come to the floor to speak about women's health. I come to speak about the issue of prevention, and I want everybody to fundamentally remember what we debated and what we did in the health care bill.

For the first time in a long time, our Nation is talking about women's health. Am I glad to hear that. It has mostly been happening on the morning talk shows and on the front pages of our newspapers. But, unfortunately, too much of the conversation isn't about women's health; it is politics disguised as women's health.

What should we be talking about when it comes to women? We should be talking about the top killers of women:

cancer—that dread “C” word—including breast cancer, cervical cancer, lung cancer. They are the highest killers of women: lung cancer, cervical cancer, and breast cancer. Then there are the silent killers of women: undetected diabetes as well as the consequences of heart and vascular disease. What did we talk about in the health care bill to deal with these issues? We talked about the fact that we needed preventive services, that we believed in early detection, that we believed in screening for early detection so we could identify those consequences that would negatively impact women in terms of their health care.

One of the things we know is that many women don't have health insurance at all. Seventeen million are uninsured. Women are most likely to neglect their treatment because of cost. Women of childbearing age are also even more at risk because they are performing jobs that tend to be starting out and they don't pay for health insurance.

We tackled a lot of this in the health care bill. I am so proud that one of the first things we did was end general discrimination in health care—the punitive practices of insurance companies discriminating against women by charging more for women of the same age and the same health status as men. But we came together, united, and passed it as part of the affordable health care act, and we ended gender discrimination.

Then we saw that simply being a woman meant being treated as a pre-existing condition. I held a hearing about this that was bone-chilling, when we listened to how women were discriminated against and aspects that had happened to them were viewed as a preexisting condition. In eight States if a woman was a victim of domestic violence, she could not get health insurance.

In another bone-chilling story, which was breathtaking, a woman testified at our hearing that because she had a C-Section, her insurance company told her they would drop her from their insurance plan unless she got sterilized. That was in the hearing. She had a letter from her insurance company. We were aghast on both sides of the aisle, regardless of how one feels about some of these reproductive issues. Nobody felt that should happen in America. So the people on the committee, led by myself, said: We can't have that. So we have ended discrimination against women getting health care on the basis of preexisting conditions.

We wanted to go further, and one of the issues we looked at was that of prevention. This is a subject of great debate. The very first amendment on the Senate floor during the health care debate was one to add preventive health care benefits. I offered an amendment, and the Senator from Alaska, Ms. MURKOWSKI, offered a counteramendment. Her amendment was terrific. She had every preventive service that I would

have ever loved. CBO, though, scored it at something such as \$50 million. The CBO's score sunk the Murkowski amendment, but the Mikulski amendment prevailed, in which we said we will leave it to the Institute of Medicine to determine what would be some of these amendments for women.

So guess what we have. In our preventive health amendment, which is now the subject of such debate, such controversy and, unfortunately, such misinformation, our amendment said this: First of all, if a woman is over 50, she gets a free yearly mammogram, one of our highest risks. Second, if a woman is over 40, she gets an annual well woman preventive care visit. This then goes to the screenings that then go to the highest risk for the highest diseases we have.

We have early detection and early screening. For young women who are pregnant, we guarantee they can be screened for diabetes, but also in our prevention amendment we provided for maternity services. We provide for maternity services so these women can get proper prenatal care. Working with their doctor, we can ensure the health of the mother and survivability and the ability to carry her pregnancy to term. We looked out for those maternity benefits.

IOM also said that as part of prevention we should add contraceptive coverage. That was a recommendation not of Senator BARB and not of Senator JEANNE SHAHEEN; this was a recommendation of the Institute of Medicine. Why do they say that? First of all, there are over 15 or 20 percent of women who need to take birth control in order to deal with the medical issues associated with their menstrual cycles. This isn't the place to go into the biology of being a woman, but for many this is where people long before—young women and adolescents who were not sexually active were experiencing some significant hormonal problems. So it is not always about being sexually active.

So this whole thing about the preventive amendment being all about birth control is so exaggerated, so overblown, so out of context with what we wanted to do. I am shocked and—I am just shocked.

We looked at our bill, in addition to my amendment, and we included preventive services for men and women, those services that affect both sexes, including colorectal screening for adults over 50. That also includes prostate screening for men. We have diabetes and high blood pressure screening. There is also the ability to do alcohol misuse screening which, in many instances, is an undetected and silent killer not only of lives but of families.

So one of our major thrusts was prevention. We won maternity benefits so a mother can be safe and well herself and be able to carry her pregnancy to term in a way that ensures the health of both the mother and the child, when the child is born. The fact that we had these other screenings, including mammograms, prostate cancer, diabetes—



the things that are killers of us all—some of these will close the health disparity gap because so many African-American men face terrible problems with high blood pressure that leads to the terrible consequences of stroke. Diabetes is rampant in our country but particularly rampant among people of color. So that is what we were doing.

I find it troubling that instead of focusing on our preventive health services, we are focusing on birth control. Birth control was never the focus of health care reform. It was a recommendation to be included in the benefit that came from the Institute of Medicine.

There is another bit of confusion out there about mandating churches to do something against their will. I wish to draw a distinction between what the bill does and mandating the provision of service and providing insurance coverage. The bill does include insurance coverage. But there is no place in the bill that mandates a religious organization provide something against their principle in providing a service. So if you are St. Mary's Hospital, you do not have to give out birth control in your women's health clinic. If you are Notre Dame University or Georgetown University or a Catholic women's college, you do not have to give out birth control in your student health clinic.

What the Obama-Sebelius regulations say is that there has to be insurance coverage available, particularly to those who are non-Catholic. For all of us who go to these wonderful institutes and have benefited from their services, they are nondiscriminatory. One does not have to be Catholic to teach at a Catholic college. One does not have to be Catholic to work at a Catholic hospital. One does not have to be Catholic. So these institutions hire people of a variety of religious preferences.

I don't want to get into a debate on the first amendment, but I do welcome a debate on what the health care bill did and what it intended.

The health care bill, I felt, was one of the greatest social justice initiatives I have participated in in the Senate. It was going to work and organize in an effective way to make sure we were on the road that every American had access to affordable care. Then we removed the barriers that were not only financial but often these discriminatory practices, these punitive practices that often were directed against women and preexisting conditions or in gender discrimination and the way they set their prices.

The best care is preventive care, and one of the tools well known in the public health field is these screenings tests that we worked to provide, and we turned to the eminent and distinguished people in learned societies, in this case the Institute of Medicine, to tell us not based on politics but to tell us based on science what the benefits should be, and they added contraceptive coverage.

That is the history. I hope it clears up the misinformation. But we did

work to move our citizens to greater health care and remove the financial and other societal barriers to getting health care in our society, with a fantastic emphasis on prevention. We have gotten off to the wrong debate and the wrong discussion. Let's get back to talking about how we improve the health care of women and how we can keep moving on our preventive aspects that not only help women but help the men who so love us and support us, and we want to return the favor by making sure they get their screenings too.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The senior Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am pleased to be able to join my colleague from Maryland to try and point out how this issue is being manipulated.

Almost 2 years ago, Congress—this institution—voted to end discrimination against women by health insurance plans. We voted to make it easier for women to seek referrals to see the health specialists they need, and we voted to give women greater access to affordable preventive health care services, including contraception.

These are important historic advances for women's health, and they should not fall victim to ideological policies.

Over the last several weeks, we have seen women all across this country stand in huge numbers to support women's health. That grassroots support will be needed again and again to stave off ideological attacks on women's health care.

Over the past year, House Republicans have repeatedly attempted to both eliminate funding for title X family planning and Planned Parenthood. Thankfully, we have been able to block these attempts in the Senate.

Ninety-seven percent of the reproductive health services provided by Planned Parenthood in New Hampshire and across the country is preventive care. As we all know, preventive health care lowers health care costs and saves lives.

We were reminded of the important role Planned Parenthood plays in preventive health when the Susan G. Komen Foundation decided to end its contracts with the provider. It is unfair to politicize women's health in the way we saw played out in the media last week. Women from across the country let their voices be heard. The 750,000 women who received breast cancer screenings at Planned Parenthood clinics with support from the Komen Foundation deserve better. They did not ask to be thrown into the political fire. They merely sought detection and treatment against a life-threatening disease.

I am pleased Komen reversed that decision.

I also commend the President for standing for women's health and reaffirming the recommendation of the Institute of Medicine to protect access

to affordable birth control for all women. The decision requiring health care plans to cover contraception with no copays or deductibles will improve the lives of millions of women and their families.

Birth control pills can cost up to \$600 a year. It can be a serious economic issue for some women. Studies have shown it costs employers as much as 17 percent more to exclude contraceptive coverage in employee health care plans than to provide such coverage.

Birth control is also a fundamental health care issue. Doctors and public health experts agree that increased access to birth control prevents unintended pregnancies. It is directly linked to declines in maternal and infant mortality and a reduction in the risk of ovarian cancer. It is linked to overall good health outcomes.

Permanent and temporary contraception is critical for family planning purposes, but many women—a full 14 percent—use birth control for medical and health reasons, including helping to reduce the risk of some cancers, treatment for endometriosis, serious infections, and cysts.

Let's be clear. In talking about the health benefits of birth control, I am not telling women they must use it. The decision on whether to pursue contraception is an individual choice that each woman must make for herself with her family. No part of the affordable care act or the President's ruling regarding insurance coverage forces any woman to use contraception.

However, birth control will now be affordable and accessible for any woman who, in consultation with her doctor, decides she needs or wants to use it. The policy represents one of the greatest advances for women's health in decades.

Sadly, there is an aggressive and misleading campaign to deny this benefit to women. A conscience clause exists that exempts religious institutions such as churches from having to carry insurance that covers contraception. Mr. President, 335,000 churches and their employees in this country are exempt. Many have argued that conscience clause should be expanded to include religiously affiliated hospitals and universities in the name of religious liberty.

The millions of women who work in a Catholic hospital or university—from the overnight nurse to the classroom aide or cafeteria worker—who choose to use birth control should have the same access as their counterparts at other institutions. That is their decision. It is not their employer's.

There are religions that believe divorce is a sin. Should these institutions be exempt from our labor laws and be allowed to discriminate based on marital status? Of course not, and this is no different.

A recent survey showed that 71 percent of American voters, including 77 percent of Catholic women voters, support the requirement to make birth



control available to all. They understand that religious freedom means that all women—Catholic or non-Catholic—should have the opportunity to make their own decisions when it comes to birth control.

I applaud the President for his decision and for putting women's health above politics.

We know ideological attacks on women's health care will continue. But I thank my colleagues who are here today for speaking out against those who want to turn the clock back on women, who want to limit access and availability of women's health services. We are watching, and we are going to continue to be watching.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Washington.

**Mrs. MURRAY.** Mr. President, last week, we saw something amazing happening in communities across the country. When the news got out that the Susan G. Komen Foundation had cut off funding for breast cancer screenings at Planned Parenthood, men and women across this country were just outraged. They did not understand the decision, they did not agree with it, and they did something about it.

They picked up their phones, they talked to their friends, they e-mailed, they tweeted, they called their elected officials, they made their voices heard loudly and clearly, and they got results.

On Friday of last week, Komen did the right thing and announced they had reversed their initial decision. I wish to commend them for that because their mission and their great work in the fight against breast cancer is just too important to get mixed up in partisan politics.

But although that reversal was a great victory for so many women and men across the country, let's be clear: Our fight for women's health care did not end there. There are still many who continue to push partisan politics ahead of women's health, and we need to make sure the grassroots support and energy that successfully came together to right this wrong last week continues to stand firm against each and every attack that comes our way, because we do know those attacks are coming. Republicans in the House of Representatives have been waging a war on women's health since the moment they came into power.

After campaigning across the country a year and a half ago on a platform of jobs and the economy, the first three bills they introduced were direct attacks on women's health in America.

The very first one, H.R. 1, would have totally eliminated title X funding for family planning and teen pregnancy prevention. It included an amendment that would have completely defunded Planned Parenthood and cut off support for the millions of women in this country who count on it.

Another one of their opening round of bills would have permanently codi-

fied the Hyde amendment and the DC abortion ban. The original version of their bill did not even include an exception for the health of the mother.

Finally, they introduced a bill right away that would have rolled back every single one of the gains we made for women in the health care reform bill.

Their bill would have removed the caps on out-of-pocket expenses that protect women from losing their homes or their life savings if they get sick.

It would have ended the ban on lifetime limits on coverage.

It would have allowed insurance companies to once again discriminate against women by charging them higher premiums or even denying women care because of the so-called pre-existing conditions—such as being pregnant.

It would have rolled back the guarantee that insurance companies cover contraceptives, which will save the overwhelming majority of women who use them hundreds and hundreds of dollars a year.

We know ensuring access to effective birth control is directly linked to declines in maternal and infant mortality, reduced risk of ovarian cancer, better overall health outcomes for women, and far fewer unintended pregnancies and abortions, which is a goal we all share.

Contraceptive coverage should not be a controversial issue. It is supported by the vast majority of Americans who understand how important it is for women and families.

I also wish to note that the affordable contraceptive policy we put in place preserves the freedoms of conscience and religion for every American. Churches and other religious institutions are exempt, and no doctor would ever have to dispense contraceptives if that is at odds with his or her religious views.

But it also protects the rights of the millions of Americans who do use contraceptives, who believe family planning is the right choice for them personally, and who do not deserve to have politics or an extreme minority's ideology prevent them from getting the coverage they deserve.

I am very glad, joining with all my colleagues, that we beat back that effort by the House Republicans, and I truly wish to commend President Obama for moving forward with this sound policy for women across America. Because that is what this is truly about. It is what it needs to be about: women and their health care needs, not partisan politics, not point scoring.

House Republicans and their allies have demonstrated they will stop at nothing to politicize this issue. Last year, they even threatened to shut down the Federal Government in a failed attempt to defund an organization that provides critical health care services for millions of women in this country. Now they are trying to cut off contraceptive coverage for women across America.

They can keep trying to push their extreme agenda, but they should know we are going to fight back just as hard in the Senate, as we clearly saw this past week, with the voices of millions of people across America who feel very strongly that politics should never come between a woman and her health care—men and women who will be watching what is happening here in DC and who, I am confident, stand ready to act again.

I am proud to be here with my colleagues today. I am proud of the victory of last week, and I am determined to remain vigilant and keep up the fight for women, for men, and their families.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from California.

**Mrs. BOXER.** Mr. President, I am also very proud to be here with my colleagues. I think Senator MURRAY was eloquent, along with Senator SHAHEEN and Senator MIKULSKI. I am here to put it in my own words; that is, here they go again. Sadly, politics has once again entered into women's health care. This time we see an attempt to deprive women of a critical benefit: access to contraception through their health insurance plans.

Just last week, what did we see? A move to punish women by taking away their free breast cancer screenings all because of rightwing politics.

Before that, as Senator MURRAY eloquently indicated, we saw a Republican move to defund family planning because of politics.

My Republican colleagues almost shut down the government over family planning, and now, if they have their way, millions of women could lose their contraceptive coverage, which could expose them to declining health outcomes and their babies to declining health outcomes and could cost them about \$600 a year.

Let's step back and look at where we are.

Some months ago, the Institute of Medicine, which is comprised of a number of leading scientific and health experts, made a decision.

They advised the Obama administration on what preventative benefits should be included for women—specifically for women—in new health insurance plans. That is what this whole to-do is all about. This organization that has nothing to do with politics and everything to do with health care made a very clear recommendation to the Obama administration. They said there are a number of preventative benefits that should be included for free for the women of this country: screening for gestational diabetes, HIV screening, cervical cancer prevention, annual well women visits, and access to contraception.

Now, just as these women, our women of this Nation, are ready for these preventative services—services they need, services most of them want—my Republican friends, from

Presidential candidates Romney to Newt Gingrich to the Senate and House Republican leaders—I heard Senator MCCONNELL threaten legislation to take away these benefits—to Speaker BOEHNER to individual Republicans in both Houses, they are gearing up to repeal one of these benefits: access to birth control—access to birth control.

Now, I believe women in this country deserve respect. Some of them do not want access to birth control. They have a religion that dictates their views, and they have every right to make that decision. Others decide that they need to have access to birth control. So the Obama administration said to the women of this great Nation that they believe there ought to be access. But I think it is very important that the Institute of Medicine said: No exception. They think access to contraception is so important to women's health, they did not want any exception. But the Obama administration made an exception for churches and for religious institutions, and under the Obama administration's rule, 335,000 religious organizations will not have to offer birth control if they have a conscience reason not to do so. That is a compromise.

Remember, the health experts said: No exceptions. The Obama administration said: Well, I want to respect the religious institutions and so I will allow them, if their mission is religious, and the people they serve and the employees they hire are basically of one religion, they are a religious institution, they will not have to offer contraception in the health care benefits to their employees.

But guess what. There is another part of this equation. Women. Women. They have to have their religious beliefs respected. That is why the President also said: If you run an organization that serves a diverse number of people from different religions, and so on, and different beliefs, let them have the right to make that decision if they want to obtain free birth control through their insurance.

Now, here is the thing. This outcry is astonishing to me since 28 States already assure access to birth control. I have never heard any of my colleagues—maybe they did. Maybe they did come on the Senate floor and complain. But more than half of our women—over 28 States, more than half of women have similar access to birth control. So this is not some new benefit. This is just making sure all women, except that very narrow band that work for strictly religious institutions, have the right to have access to free birth control.

The outcry is unbelievable, a political outcry making this a political issue when it is a medical issue. The President compromised. He said: If you are strictly a religious institution, you do not have to do this if you do not want to.

Now, here is the other thing. All organizations that have any religious

issue have an extra year to determine if they are going to offer this or how they can do it. They may be able to find a way in that year to get women access and at the same time not violate their consciences. They have an extra year to do that. But, oh, no, we are going to see legislation—I can assure you we are going to see legislation to overturn this, legislation that even goes further than this. And it is going to be a battle on the floor of the Senate, I am afraid.

I am not afraid of the fight; I welcome it because, let's be clear: Virtually all women have used birth control at some point in their lives. Let me repeat this. Virtually all women have used birth control at some point in their lives, including 98 percent of Catholic women. That is a fact. And 71 percent of American voters, including 77 percent of Catholic women voters, support the administration's policy.

So if my colleagues decide they are going to take this issue on in the face of overwhelming support for this policy by the American people, I say we are ready. We are ready to make the case.

Access to birth control is directly linked to maternal and infant health. This is not some theoretical right. It is a right that is necessary. Health experts tell us that women with unintended pregnancies are less likely to get prenatal care in the first trimester, and in some cases they never get it. If there is one thing that should unite us, it is healthy babies, healthy outcomes from healthy pregnancies. That is what we are talking about.

I want to talk about something else we do not hear enough of. I want to compliment Senator GILLIBRAND on this because she is the one who brought this issue to my attention.

A full 14 percent of women who use birth control pills—that is 1.5 million women—use them to treat serious medical conditions, not to prevent pregnancies. One of those conditions: Debilitating monthly pain, irregular cycles, conditions like endometriosis, serious conditions.

I just learned of a young woman at Georgetown University. Their insurance policy did not cover free birth control. Her doctor told her she had a serious medical condition and she needed to use birth control pills that had nothing to do with pregnancy or anything else, or preventing pregnancy. It was a serious medical condition. The diagnosis was—I may not say it right—polycystic ovary syndrome.

Now, what happened is, she was told: You must go on birth control pills. But we at Georgetown, we will not pay for that benefit. She had to go out and get it. It was more than \$100 a month. She could not afford it. Within months she developed a large ovarian cyst that had to be removed surgically. In addition, she lost an ovary.

So please do not stand here and tell us that women do not need access to birth control pills or contraception because we have story after story after story.

Let me tell you something else some folks may not know; that is, on many occasions when a woman wants to become pregnant and has irregular cycles and cannot, she will be put on birth control pills. A British scientific study came out and showed that after 5 years on birth control pills, women who wanted to get pregnant had a decreased risk of delayed conception—so they were better able to become pregnant and become mothers. So this is not some simple pat statement. This is about making sure the women of this country—the young women, the middle-aged women of child-bearing age and older woman who have other conditions—get the medicine they need—and, by the way, get them for free because \$600 a year for many middle-class or working poor women is just out of reach.

So I say to my Republican friends who came to the floor previous to our statements, do not punish women again. Do not try to. Under the administration's plan, churches are respected and women are respected. All sides are respected. No one is forced to use birth control; it is up to the women. In 28 States more than 50 percent of the women already have this benefit. Why are you bringing politics into this?

My Republican friends want to turn back the clock on birth control. Some of us remember the days when birth control was illegal. Well, I have news for them. This is the 21st century. Wake up. Look at your calendar. It is the 21st century, and women ought to be respected. Women ought to be trusted, and their families ought to be trusted and respected. We are not going quietly into the night on this one. We will be here. We will fight back. We will fight for women and their families and health care, and we will fight to keep politics out of the equation.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I come to the floor now as a father and a grandfather. Bonnie and I have five daughters and are grandparents of eight granddaughters. Nothing in our family and nothing in families across this country have anything more critical on their minds than the health of their children and their daughters and our families.

Women in this rich country have a right to expect affordable quality health care. But those rights are under attack, and the attack is coming from what I call the "maleogarchy".

Several years ago, I initiated the name "maleogarchy" right here on the Senate floor. A maleogarchy is made up of men in Congress who always decide what they want to do for women, even taking away their rights.

These days the maleogarchy has declared war on women's health. We saw it when the Republicans in the House tried to defund Planned Parenthood. Now we are seeing it again this week in

the Republican efforts to take away affordable birth control, basic health care for women in our country.

Under a historic provision of the health care reform law, health insurance companies will be required to cover contraception with no additional copays or fees. This landmark requirement is scheduled to go into effect this summer. But as women cheer this new law, the maleogarchy is looking to take it away.

Here in the Senate, there is a Republican bill to get rid of these benefits for women. Imagine. This body, principally made up of males, wants to take away benefits for women.

The top Presidential candidate on the Republican side is Mitt Romney. He just said one of the first things he will do—I heard it, everybody heard it; it was loudly broadcast, it was vividly broadcast on television—he will do as the first thing, if elected, is overturn these new policies making birth control more affordable. Imagine. That is why he wants to be elected. I hope the American public is listening carefully to what is being said.

Affordable birth control shouldn't be controversial. I thought we put this question to rest long ago. Back in 1965, the Supreme Court overturned the State of Connecticut's ban on contraception. Today, 99 percent of women either use birth control or have used it at some point during their lives. It has become a critical component of health care for women in our country. But, as so many women know, birth control is also significantly expensive. One-third of all women have struggled to pay for it, and even if you have health insurance it is a struggle. Copays for birth control can be as much as \$50 a month, and \$50 a month adds up to \$600 a year. Yet now the other side wants to take this benefit away. President Obama and many of us in Congress believe that is fundamentally unfair.

Mr. President, everyone needs to speak against this attack on women's health, just as they did last week when the Komen Foundation—a foundation that was named after Susan Komen, a young woman who died of breast cancer—allowed a partisan agenda to cancel its mission to fight breast cancer. Imagine that—this organization named for a young woman who died, and now they want to cut out these examinations for women who wish to see whether breast cancer is ahead for them. Komen tried to cut funding to Planned Parenthood, a trusted provider of lifesaving breast cancer exams for hundreds of thousands of women in our country. Across America, women were offended, hurt, and angry, so they spoke up and spoke out against Komen's narrowminded decision. People were outraged and justifiably so.

I was proud to bring together more than two dozen of our Senate colleagues to join the fight. We persuaded Komen to see the error of their ways, and they reversed their decision a few days later. Now the Komen organiza-

tion and Planned Parenthood are getting back to doing what they do best—protecting women's health.

Let's be clear. It would have been wrong to take away resources that could save their lives, just as it is wrong to deny women the right to affordable contraception. So I call on my Republican colleagues to disband the maleogarchy view. Join us and stand up for women in our country. Politics don't belong in our doctors' offices, examination rooms, or in our medical clinics. Politics should never be used to block women's rights to get the care they need for healthier lives. I ask my friends on the other side of the aisle to consider what they are doing before they vote to take away those rights.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am honored to rise today after my distinguished colleagues have spoken on this issue so powerfully and eloquently, but I do so reluctantly because I rise in the face of a continuing assault on women's health care in this country—an assault on women's health care that is unworthy of our political system because these health care decisions involving women should be made by them. They are a matter of their conscience and their choice. Politics has no place in health care decisions.

This assault is waged by a group on the radical right. It is an ideologically based attack on personal health care decisions of women and their families, and they are wasting taxpayer dollars doing it. This ideologically based stand on women's health care over these years is nothing less than unconscionable and unbelievable.

I have only been in this body for a short time, but one of the first votes I cast was on H.R. 1, which wasn't about growing jobs or strengthening our economy, it was known best for completely eliminating the funding for responsible family planning programs. The fact is family planning can prevent unintended high-risk pregnancies, reduce abortion rates—reduce abortion rates—and they are cost-effective. They provide \$4 of return for every \$1 that is spent on family planning, invested in those programs. But there are some on the radical right who would rather have the people of our Nation pay \$11 billion a year in unplanned pregnancies rather than receive a nearly threefold return on investment for family planning services.

This debate is about more than dollars and cents, and it is about more than cost. It is about protecting the right of every woman to receive good-quality preventive care and equal access to preventive health care benefits from the provider they trust. And these decisions should be made between the provider a woman trusts and herself.

In 2010, Congress took a great step forward, as my colleague Senator MIKULSKI has described so powerfully. A decision was made to require health

care plans to cover a core packet of preventive health services, moving our country dramatically and historically toward a trend of overall lifetime health.

The Institute of Medicine—an unbiased scientific organization—was tasked with evaluating the most important preventive services to include in the best health outcomes for women, seeking those best health outcomes for every woman in America. This scientific organization named birth control as one of those core benefits—birth control. Let's be very clear. We are talking about birth control—the pill that 99 percent of women use as part of their daily preventive health care. At some point in their lives, 99 percent of women use it.

That very same benefit—coverage for it—is guaranteed by 28 States around the Nation. They already require health care plans to cover it. And more than half of the women of our Nation live in those States. Now the radical right would seek to take away that guarantee—that coverage, that basic health care outcome. They would take away that right—repeal it, restrict it, remove it as an option for women. That is unacceptable.

Women spend an average of \$500 per year for birth control—a cost men will never have to incur. That is why the Institute of Medicine recommended that birth control be included as part of the package of preventive services without copays—because costs should not be a barrier to those 99 percent of women in the United States who use birth control. Yet the radical right has decided that the politics of taking birth control away from women is more important, and they have used every tool in their arsenal—creating misunderstandings—to try to take this right away from women, including misrepresenting what the administration has decided to do. One of these mistruths they are spreading is that churches will be required to offer birth control. Not so. Another is that institutions affiliated with churches will be required to provide those services. Not true. What any institution is required to cover is, in fact, the coverage, not necessarily provide the service, and that is a key distinction.

The majority of Americans agree that employers should be required to provide their employees with health care plans that cover contraception and birth control at no cost. The majority of Americans believe that is true. Nearly two-thirds of young Americans of childbearing age agree that employer health care coverage should include birth control at no cost.

In short, this decision should be a matter of conscience, a matter of choice for individual women. Politicians should not be permitted to exploit it, as some are doing now. I stand for women making choices about their own health care, and I stand against politicians telling them what they should do. This issue before this body

and this Nation is one of the critical issues of this time, and politics has no place in these health care decisions.

Mrs. FEINSTEIN. Mr. President, I rise to discuss the continued attacks on the rights of women to control their own reproductive choices.

Women should have access to comprehensive reproductive care and should be able to decide for themselves how to use that care.

Here is the problem. The politics of women's health care has reached an extreme point, most recently with the decision of the Susan G. Komen Foundation to stop funding for breast cancer screenings at Planned Parenthood.

Following the outrage of millions of men and women around the country, the Foundation reversed its course, at least for this year.

A year ago, House Republicans passed a budget that would have eliminated the Title X Family Planning Program and defunded Planned Parenthood.

Annually, these programs serve almost 8 million Americans nationwide providing primary care, cancer screenings, well baby care, contraceptive services, education, annual exams, STD and HIV testing, and flu vaccines.

These programs provide critical health care services to many women who simply cannot afford to go anywhere else.

It is ironic to defund these programs because family planning education and access to contraception can save money. For example, title X supported family planning centers prevented 406,000 abortions and saved taxpayers \$3.4 billion in 2008 alone.

The same House-passed budget would have also eliminated the Teen Pregnancy Prevention Program. Teen pregnancy costs taxpayers billions of dollars annually.

Recently, the Obama administration announced its final policy on contraception coverage as part of the preventive health services recommended for women. The policy concluded employers are required to provide no-cost contraception or another option to their employees.

The administration included a very narrow exemption to this requirement, and allowed religious organizations, such as churches or synagogues that primarily employ people of their own faith, to opt-out.

This narrow religious exemption, which does not include hospitals, universities, or other organizations with religious affiliations, was the right decision. It ensures that millions of women of all faiths, including nurses, janitors, doctors, and college instructors, will access to good health care, including contraception, if they want it.

A nurse seeking employment should not have to choose between one employer who provides contraception coverage and one who doesn't.

Access to contraception is widely supported. Today, two new polls were

released that showed the majority of catholic voters support coverage for prescription birth control.

Seventy-one percent of American voters, including 77 percent of Catholic women voters, support health plans covering birth control without co-pays.

Moreover, 28 States, including California, already require employer-provided health plans to include contraception coverage if the plan provides prescription drug coverage.

In 2004, the California Supreme Court held that Catholic Charities was no different from any other employer and therefore required to provide contraception coverage for their employees.

I agree.

Access to contraception can reduce rates of unintended pregnancy, help with certain health problems, and reduce the risks of some cancers. Expanding the exemption would have caused unacceptable harm to women.

The administration should keep this exemption narrow.

House Republicans insisted on including a ban on local funding for abortions in the District of Columbia in the fiscal year 2012 appropriations bill.

They have introduced and passed numerous bills that would significantly restrict a woman's right to choose. This past October, the House passed a bill that would prohibit Federal funds from being used for any health plan that offers abortion coverage.

This would mean that any women receiving Federal subsidies to help them afford health insurance would effectively be prohibited from purchasing coverage that included abortion services.

Last May, the House passed a bill that falsely claimed to end public funding for abortion. There are already stringent Federal protections that prohibit Federal dollars from being used for abortions; this bill was not about that.

Instead this bill was an attempt to reopen a contentious debate and to impose unprecedented limitations on women using their own money for abortion services.

Even worse, this bill would have allowed hospitals to refuse to provide abortion care or refer a patient to a hospital that would provide it, even when a woman's life is in critical danger.

This attack on women's health must be defeated. All women deserve access to quality comprehensive health care, regardless of their income level or place of employment.

There is a balance between respecting America's democratic values and increasing access to important health services for women. In addition to being a health concern, for many women it is an economic concern as well.

Better health policies for women help them save on out of pockets costs. When women are healthy, communities are healthy. I will continue to stand for women's health and fight for equal access to care.

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

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

#### EXTENSION OF MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the period for morning business be extended until 7 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. CASEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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.

#### FOOD AND PRODUCT SAFETY ENFORCEMENT

Mr. BROWN of Ohio. Mr. President, products that are labeled "Made in China" can be found in our cars, in our closets, and in our cupboards. So too are the ingredients in the foods we eat often, the medicine we take, the candy our children enjoy, and the toys they play with. But how many times have we heard in the last few years of illness and death from contaminated foods or drugs or toys that were made in China? In Toledo, OH, patients died after taking contaminated Heparin to treat their heart conditions.

Drug manufacturers have acknowledged that they turn to countries such as China to buy ingredients to put into pharmaceuticals. U.S. companies often move production to China, buy ingredients there, put these drugs together, and sell them back into the United States with ingredients that may not pass some of the safety inspections they should. One company acknowledged that 17 percent of its active ingredients in manufacturing are outsourced, often to countries with weaker drug safety standards.

When high lead levels were discovered in toys several years ago, I urged stronger oversight to help keep our children safe. Four years ago, I asked Dr. Jeffrey Weidenhamer of Ashland University in north central Ohio to test lead levels. He had already begun testing with the students, and we asked him to do it again, to test the lead level in Halloween toys, including the

cups and the buckets that Ohio children would be eating out of and decorations families would be using that children often put into their mouths during the holidays. He tested products in the fall of 2007 for Halloween and the spring of 2008 for Easter toys. He identified 12 of 97 products contaminated with high quantities—much higher than what is considered safe by our government—high lead contents in this lead-based paint on our toys; among them, candy buckets, drinking cups, fake teeth, and other Halloween props. At Easter, it was eggs and baskets and other things. It included products bought at leading national retailers.

At the same time, it was clear that our trading system, patterned in many ways and with businesses following this business plan of shutting down production in places such as Rhode Island, which the Presiding Officer represents, and Ohio, shutting down production in our country and moving it to China, manufacturing products there, and selling products back here, that trade system has failed basic consumer and public safety standards.

There is nothing free about trade that puts children in the hospital for playing with a toy or eating candy or brushing their teeth. That is why Congress passed the Consumer Product Safety Improvement Act. The act sent a simple message to the Consumer Product Safety Commission, which is charged with protecting consumers: Protect American children, protect families, protect companies from unsafe and possibly fatal products.

That job has gotten a lot harder to protect the American public on food products, on toys, on pharmaceuticals, and on pet food, which I will discuss, because the business plan for so many companies has been to shut down production in Canton, OH, and move it to Guangzhou, China, shut down production in Toledo or Dayton, OH, and move it to Wuhan or Shiyuan, China, in order to save money, in order to cut worker safety costs, in order to evade environmental and consumer regulations sometimes.

The new law that we passed meant that hundreds of thousands of toys and food and other imports from China and elsewhere can be recalled when they are unsafe. The key is inspection of these products, and the key is making the companies liable that outsource the jobs to China in order to save money. We don't want more court cases and more litigation, but if these companies are going to move production to China, they need to take responsibility for the toys if the toys have been painted with lead-based paint. They need to take responsibility for the pharmaceutical ingredients—sometimes dangerous ingredients that somebody has somehow put in these pharmaceuticals when production comes from China. They need to be careful about food safety. They need to be careful about treats for pets that have been contaminated.

That act has been a success. Last year, Dr. Weidenhamer conducted another test and found no lead-based paint contamination in Halloween items.

But there is a gap in our trade system that threatens public health and public safety. We passed a law to close that gap. Public safety has benefited, and companies are still able to make and sell their products in this free market.

One year ago, Congress passed and the President signed into law the bipartisan Food Safety Modernization Act. The law provides the FDA with the tools needed to better protect our food supply, to recall tainted or adulterated food, and to respond more effectively to foodborne illness outbreaks. It empowered the FDA with new authority to establish a traceability system; that is, when a product comes to your table, whether it is food in this case, a pharmaceutical, or whether it is a toy, the company that sells that product needs to be able to trace back all the ingredients, all the components, where they came from, how they were produced, and under what conditions they were produced. It is that type of public safety infrastructure that is so important.

Yet, as we have seen with food and toys and drugs imported from China, now we are seeing it with pet food. Yesterday I met with Kevin Thaxton of Cuyahoga County—the Cleveland area—whose wife Candance wrote to me after one of their dogs, a 9-year-old pug, died from kidney failure. They thought it was the pug simply getting older. I had a pug once, and they don't usually live much beyond 10 years. Then, as they got another dog that got sick immediately, they figured out it was likely from eating Chinese-made chicken jerky treats. Until the second dog, they didn't make the connection between the pet food and the pet illness, when the second dog, the puppy, had a life-threatening illness.

Another Ohioan, Terry Safranek, joined us at our meeting 2 days ago. Terry lost her 9-year-old fox terrier earlier this year. She did not realize that tainted chicken jerky treats could be responsible for her dog's death until she saw the Thaxton's story on the evening news.

These two families, the Thaxtons and the Safraneks, and the 62 percent of U.S. households who own a pet shouldn't have to worry about the safety of the food they give their pets. It is an example again of a trade issue transforming into a safety issue.

To explain this, so many companies in the United States as part of their business plan decide—in order to save money, in order to evade consumer protection laws, food safety laws, worker safety laws, and environmental laws, or for whatever reason—to move their production to China, with significantly cheaper labor. They shut down in Columbus or Cincinnati, OH, and they move to China to manufacture these

products they sell back into the United States.

Probably unprecedented in economic or world history is where companies shut down one place, move overseas, produce the same item, and then sell them back into the home market. We know that with that whole trade regimen, that whole construct of that business plan of shutting down production and moving overseas and selling back in, there are significant health and safety problems. Again, there are problems with lead-based paint and there are problems with the safety of other consumer items. There are problems with food safety, there are problems with pharmaceutical ingredients contamination, and now there are problems with pet foods.

The Food and Drug Administration has logged more than 350 reports of pet illnesses thought to be connected to chicken jerky treats made in China. Although the FDA has already issued a warning about illness, they have not yet for sure identified a contaminant. The treats remain on market shelves in stores across the country.

I would never on this Senate floor suggest people buy something or boycott something else. I would suggest, though, that people look at the product when they buy something for their pet and that they look at where it is made and make the judgment based on that.

I am calling on the FDA to accelerate its investigation of imported pet food, especially food imported from China, where the possibility of food contamination is higher. That is the FDA's job.

Earlier this week, I sent a letter to Dr. Hamburg, the FDA Commissioner, urging her agency to act swiftly to make sure that products found to be harmful are pulled from retail outlets. I have asked the FDA to improve its notification system so pet owners know about items under investigation for pet food safety breaches. The FDA should promptly pursue efforts to find the contaminant in these pet treats and ensure they are pulled from store shelves to prevent any unnecessary pet deaths.

Contaminated toys, hard-to-trace medical ingredients, and now pet food have all forced Americans to turn to the government to ensure the safety of the products we import. It is a problem with trade law that we have set this up to happen far too often.

It is an example of when government works when we stepped in on lead-based paint, kept those products off the market, and made sure that products coming in now are safer because we passed the consumer protection revision. It shows that government stepping in, in the right way, can make a difference in saving the lives of children, protecting people's pets, protecting pharmaceuticals—making sure that pharmaceutical safety is guaranteed as much as possible.

We have been down this road before. There is nothing free about trade that

undermines basic health rules. There is nothing free about trade that weakens safety rules, the very rules that help keep food safe to eat and water and air safe to drink and to breathe. The FDA should take action now to protect American pet owners from tainted products that can harm the health of their pets.

It has been a longtime victory for the American people that the air we breathe, the water we drink, the food we take, the toys we buy for our children, the treats we buy for our pets—we have done a good job in this country in the last several decades of the government partnering with businesses to make sure these products are generally safe for our families—for ourselves, for our children, and for our pets. Now, these holes in our trade laws—these trade laws that encourage companies to go overseas and produce products and sell them back here—clearly have undermined so much of what we have accomplished bipartisanly for so many years for the health and safety of the American public.

Thus the role of government can be important to show that we do know how to do this to protect our families. I urge the FDA to step in here on this issue and help American families.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

#### WOMEN'S PREVENTIVE HEALTH SERVICES

Mr. HARKIN. Mr. President, I watched many of the statements made by so many of our women Senators who came to the floor in the past hour to talk about this issue of women's preventive health services. I was unable to get to the floor at the time. I want to be here now because, unfortunately, there is a lot of confusion about what the Affordable Care Act does and does not do with respect to women's preventive health services.

As chairman of the Health, Education, Labor and Pensions Committee and as someone who is very much involved in crafting this legislation, especially the preventive services part of that legislation, I hope to explain the facts and debunk the myths and the misinformation that has recently arisen on this issue.

First, women—nurses, teachers, professors, homemakers, attorneys—everyone from all walks of life, all women in America now have the right to preventive health care services. Beginning this August, the Affordable Care Act guarantees that insured women will have access to expert recommended preventive health care services. These basic services include well-women visits, mammograms, prenatal care, cervical cancer screenings, and contraception.

These critical services will be offered without any out-of-pocket costs such as copays or deductibles. It is the latter, the ability of women to have a

health insurance plan that covers contraceptives that has led to this recent controversy, this outpouring, this outburst of political accusations.

Here let me emphasize people of strong faith and good conscience have very different views when it comes to these matters. I understand that. I have great admiration for the many contributions that religious institutions make to our country. Catholic charities provide vital assistance to low-income Americans. Religious universities teach and prepare thousands of young people to be outstanding citizens and productive members of our society. In fact, I attended law school at Catholic University right up the street. I also attended Catholic elementary schools and Catholic high school.

Catholic hospitals are instrumental in providing first-class health care to so many of our fellow citizens. I have spoken many times about the care that Mercy Hospital in Des Moines, a Catholic hospital, gave to my father when he was elderly and in bad health because of black lung disease and he had no money. They provided care for him at no cost. So I have very deep feelings about the generosity and the care that these religious hospitals provide.

It is for this reason I would oppose any measure that threatens the fundamental religious liberties of these institutions. I believe, however, that the President properly balanced the essential health care needs of women with the rights of religious institutions. Let me clarify what this rule does, and most importantly does not do since folks, such as Governor Romney, are misleading the American people—perhaps intentionally distorting the facts—using the issue for demagoguery.

First, churches and other houses of worship are specifically exempt from the requirement that they carry insurance plans that provide contraception.

Second, no individual health care provider, neither religious nor secular, will be forced to prescribe contraception. The President and his administration have previously and continue to express strong support for existing conscience protections. Moreover, other religiously affiliated organizations that employ people of different faiths—such as Catholic colleges and hospitals—can qualify for a 1-year transition period as they prepare to comply with the new law.

Let me point out, no individual will be forced to buy or use contraception. No individual will be forced to buy or use contraception. Under this policy, women who want contraception will have access to it through their insurance without having to pay a copay or deductible, but no one will be forced to buy or to use contraception. Let's make that clear.

Drugs that cause abortion, such as RU486, the morning-after pill, are not covered by this policy. Let me repeat that. Drugs that cause abortion, such as RU486, the morning-after pill, are not covered by this policy and nothing

about this policy changes the President's firm commitment to maintain strict limitations on Federal funding for abortions. No Federal tax dollars are used for elective abortions.

Let me quote what Governor Romney said in Colorado just yesterday:

Just this last week, this same administration said that in churches and the institutions they run, such as schools, and let's say adoption agencies, hospitals, that they have to provide for their employees, free of charge, contraceptives, morning-after pills—in other words abortive pills and the like at no cost.

Mr. Romney said.

Think what that does to people in faiths without sharing those views. This is a violation of conscience.

Mr. Romney, this does not cover morning-after pills. And the adoption agencies and the hospitals do not have to provide free of charge contraceptives. All they have to do is to make available, through the broad insurance coverage they have, for women who choose to use contraceptive services, that they can get those without any copays or deductibles. But this does not cover the morning-after pill. Yet I keep hearing it.

I was working out this morning while watching CNN, and somebody else came on talking about how the Catholic Church is opposed to abortions; they should not be forced to fund abortions. This has nothing to do with that. All it says is, if you have a broad-based insurance policy and you are not a religious institution or a church and you are, let's say a hospital, and you have insurance that covers a broad array of people, we have said that insurance must cover a broad variety of preventive services: mammograms, cervical cancer screening, well-women visits—all of that—and contraception—and contraception, a preventive service.

Mr. Romney is going around saying these things, but it is not true. It is simply not true. He is either misinformed or he is purposely trying to mislead the American people—neither of which is acceptable. As I said, churches and other houses of worship are specifically exempt from the requirement that they carry insurance plans that provide contraception.

Second, no individual health care provider, neither religious nor secular, will be forced to prescribe contraception. No individual will be forced to buy or use contraception against her own conscience. All the rules the President announced ensure that all women, no matter who their employer, have the opportunity to enjoy the same insurance and the same vital preventive services—every woman. In fact, there is nothing radical about such a policy. Fifty percent of Americans currently live in 28 States that require insurance companies to cover contraception. Imagine that.

Several of these States—such as Arizona, New York, Oregon, and California—have had this law in effect for years, saying if you have insurance



coverage, you have to provide contraceptive services under that broad coverage of insurance, and these four States have identical religious employer exemptions as the rule the President announced.

Let me repeat, Arizona, New York, Oregon and California have identical religious employer exemptions, the same as the rule the President announced. I did not hear Mr. Romney going after the Governors of Arizona or of New York or Oregon or California. This has now become a political issue, and it should not be. It should not be.

Religious institutions continue to serve the public by providing exemplary health, education, and anti-poverty services in these States, and I am hopeful that nothing will change in the rest of the country. Twenty-eight States, half the people who already live in those States that cover the same thing.

The health of women in this Nation is far too important to become a sound bite on the evening news, a headline in the morning paper, or political rhetoric—again, to divide us. The President's policy and what we have done does not divide us. In fact, if anything it unifies the country. I do not think anyone thinks we should pass a law banning contraceptives. We did in the old days, you know. There was a Supreme Court case about that. As a matter of fact, I read it in law school when I was at Catholic University Law School: *Griswold v. Connecticut*, if I am not mistaken.

The Supreme Court said, no; the State has no interest, no vital interest in telling women they cannot use contraceptive services and devices. That is an old case. If someone is conscience-bound and they say they don't want to—that is fine. No one is being forced to do anything against their consciences. No one is being forced to do anything we have not already done in this country in 28 States. But now it has become political rhetoric. How else do we explain Mr. Romney's total misinformation? To try to divide us as a country again.

It is time to put this aside. It is time to put aside these differences, these divisions, and focus on giving people access to the affordable health care they deserve. That is what the Affordable Care Act does, and we should not let political rhetoric, political gamesmanship, a political campaign again try to tear us apart, try to misinform people to inflame passions that somehow we have gone off on a different path; that we are doing something totally different than what we have done before. We are not. We are not. To include in this the inflammatory rhetoric of abortion and all that it entails is doing a disservice to the women of this country.

I hope the truth will get out, that this misinformation will fall by the wayside, and people will see this for the political rhetoric it is, and that we will move forward with a health care

system that does provide broad preventive services to every woman in America. That is what this is about.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 311, S. 1813.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 311, S. 1813, a bill to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes:

Barbara Boxer, Max Baucus, Mark L. Pryor, John D. Rockefeller IV, Benjamin L. Cardin, Al Franken, Jack Reed, Sheldon Whitehouse, Amy Klobuchar, Bernard Sanders, Patrick J. Leahy, Tom Udall, Frank R. Lautenberg, Richard Blumenthal, Jeff Merkley, Richard J. Durbin, Harry Reid.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived; further, that the cloture vote on the motion to proceed to S. 1813 occur at 2 p.m., Thursday, February 9.

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

#### FAA CONFERENCE REPORT

Mr. DURBIN. Mr. President, last night, the Senate adopted the final version of a long term reauthorization of the Federal Aviation Administration. The process has been long and less than elegant as we worked through differences between the chambers, across parties and regional differences. I voted for the bill and am pleased that there is now more stable funding and policy to support our national aviation

system. There are aspects of this bill that I do not agree with and would have done differently.

The FAA authorization expired in October of 2007. For more than 4 years, we have been operating on short-term extensions—23 total short term extensions. The FAA, airlines and flying public all deserve a long-term authorization to provide certainty to our national aviation system.

One reason I voted for this legislation is that it is a jobs bill. The FAA estimates commercial aviation is responsible for 5.2 percent of gross domestic product and generates \$1.2 trillion in economic activity. The aviation industry provides \$346 billion in earnings and 11 million jobs. And this bill will help grow those numbers.

The funding provided in this bill will support 280,000 jobs. The economist Mark Zandi said, "Aviation is the glue that keeps the global economy together." This bill will boost our economy now and keep the United States competitive in the global marketplace in the future.

As importantly, this bill will improve the safety of our aviation system. Improving runway safety is one of the National Transportation Safety Board's "Most Wanted" list. There were 988 runway incursions last year. This year there have already been 66 incidents. This bill will require FAA to review all commercial service airports in the United States and initiate action to improve lighting, signage, and runway and taxiway markings.

Another key component of this bill is NextGen, the term we use to describe our transition from radar-based air traffic control system to a GPS-driven system. NextGen will give pilots and air traffic controllers the ability to accurately pinpoint aircraft in the sky—to avoid problems, to monitor traffic, to move things more smoothly, safely and efficiently. The FAA has called for action on implementing NextGen.

Last year, U.S. airlines carried 704 million passengers. Soon, those numbers will increase significantly. The FAA reports that U.S. airlines will carry more than one billion passengers by 2023 and more than 1.2 billion passengers by 2030. Our outdated air traffic control systems cannot safely and reliably handle this increase in traffic. But with NextGen, we hope to triple the capacity of our national aviation system.

This technology will allow planes to fly the straightest, quickest route from point A to point B. And with more precise information and better communication between the ground and the cockpit, we can fit more planes safely in our airspace. Doing so will save airlines at least 3.3 billion gallons of fuel a year—or more than \$10 billion annually by 2025. NextGen should also reduce airport delays significantly.

Chicago's Midway Airport was ranked dead last over the past few months for on-time departures. Chicago's O'Hare airport has won that dubious distinction more than once. The



main reason for these delays is the lack of capacity in our aviation system. Fully implementing NextGen could reduce those delays by half.

NextGen will also save more than 1.4 billion gallons of fuel and provide \$22 billion in savings to airlines and flyers. This is a great investment. This bill will help airports and air travelers in Illinois and nationwide save time and money.

In Illinois, we are in the middle of the largest airport expansion project in U.S. history at O'Hare airport. This \$6.6 billion project will completely reconfigure the runways at O'Hare to make sure we can move more traffic in and out of Chicago more efficiently. Moving this project along means a lot to the people of Chicago and Illinois.

O'Hare already generates 450,000 jobs and \$38 billion in economic activity for the Chicago region and the State of Illinois. The O'Hare modernization project will create 195,000 more jobs, and another \$18 billion in annual economic activity. This bill will allow O'Hare to keep moving forward by funding the airport improvement program at healthy levels. And it isn't just O'Hare. Airports in Illinois will benefit from more than \$3.3 billion per year for AIP projects.

Last year, airports in the Quad Cities, Rockford, Decatur and Springfield all used AIP program funds to make critical improvements to their airfields. Keeping this funding flowing will allow these airports to handle the traffic of today and the future increases of tomorrow.

The bill helps rural areas keep the commercial air service they have now and attract new service in the future. The Senate Conferees defeated an attempt to completely dismantle the essential air service program. This bill fully funds essential air service and puts in place important reforms so the Department of Transportation works with businesses, local communities and the airline industry to start and retain quality air service to rural communities.

Without a robust EAS program, many rural communities would have no commercial air service at all, and residents of smaller cities would have to travel significant distances for flights. This bill will ensure communities in Quincy, Marion and Decatur have scheduled commercial air service—an enormous tool for communities to retain and attract businesses. Scheduled air service as an important requirement for many businesses when they choose a headquarters or office.

While I voted for this bill for all the reasons I have already mentioned, I have very serious concerns about some of the labor provisions included in this bill. Several times, Republicans held up passage of a reauthorization bill on unrelated labor issues. And last year, these disagreements led to a lapse of authorization for several days before we were able to pass the latest short term extension. During that lapse,

some 4,000 Federal aviation workers were furloughed, airline construction projects like the O'Hare Modernization Project were threatened, and it cost the Federal Government roughly \$25 million in tax revenue each day.

So, Senator REID made a tough decision—he negotiated with House Republicans for the removal of language overturning the National Mediation Board rule, but in exchange the bill now includes the current labor provision which could make it more difficult for workers to organize and form a union. It is unfortunate that Republicans insisted on bringing Federal labor law into this legislation without hearings or adequate debate. But I could not allow Republicans to continue holding this bill hostage. It is too important to airline safety, the economy, my State, and the country as whole.

Ms. MIKULSKI. Mr. President, I support a clean extension of the FAA bill. But I cannot support the conference report that's before the Senate today because it includes a radical provision to undermine our rail and airline workers' right to organize.

The FAA bill is a jobs bill that keeps air safety employees and construction workers at airports on the job. According to the U.S. Department of Transportation, every dollar spent on transportation isn't just an investment in concrete and steel, it is an investment in our workers that creates jobs. Reauthorizing this bill keeps thousands of Federal employees and tens of thousands of construction workers on the job and not worrying about whether they will receive a paycheck.

A reauthorization of the FAA bill means 4 years of stability. It will modernize and upgrade our air traffic control system. And it will provide billions in investments to improve our airports with new runways, aprons, lighting, and land purchases. A clean FAA bill saves jobs, protects the flying public, and stimulates our economy.

But this FAA bill comes with a poison pill labor provision that was added in Conference. I cannot vote for such a radical provision that makes it more difficult for rail and airline workers to organize and sets a dangerous precedent of opening the Railway Labor Act up for hostile anti-worker amendments on unrelated must-do transportation bills.

This is just another example in a persistent pattern of attacking workers' rights. The Republicans have made it clear that the price of their support for a much-needed investment in our air infrastructure is to undermine our workers' right to organize and decide whether they want to be represented by a union.

During the Senate's debate of the FAA bill last year, the Republicans tried to strip hardworking Transportation Security Administration workers of their collective bargaining rights.

Last summer, the FAA shut down for 2 weeks because the House Republicans

insisted on a provision to make it harder for rail and airline workers to form unions. Now, we are days away from the expiration of the latest of 23 short-term extensions to the FAA bill, and the conference report includes another attack on workers' rights. The Republicans need to get off of it with labor, and get on with the business of creating jobs.

Unions play a vital role in ensuring safe and fair working conditions. We encourage the right to organize around the world. We need to encourage it on our own FAA bill.

Our rail and airline workers are hard at work every day protecting Americans. They keep us safe and secure as we travel. In return, they deserve a decent wage and safe working conditions. They deserve to have their right to organize and negotiate protected. And they deserve our thanks and respect.

I support a reauthorization of the FAA bill, but I am not prepared to trade away our workers' rights to get it done. I cannot support this conference report.

Mr. LIEBERMAN. Mr. President, I rise today to voice my support to the Federal Aviation Administration Modernization and Reform Act conference report which was passed by the Senate last night, and will provide a greater sense of financial security than the Federal Aviation Administration, FAA, has seen in a long time. No agency should be subjected to the budget uncertainties that FAA has been forced to experience, nor strung along year after year unable to make long-term plans. For more than 4 years, the FAA has operated under more than 20 short-term funding extensions. I think that is unprecedented in the history of agency funding. At any rate, it is no way to run a railroad or a national aviation system.

I also support the conference report because it would finally allow the FAA to move forward on the NextGen air navigation program, would give the passenger's bill of rights the force of law, and would provide billions of dollars to improve and develop public airports across the country. For these reasons, the legislation is long overdue and sorely needed.

The conference report, however, does contain a provision about aviation security and the Transportation Security Administration, TSA, that is deeply troubling to me and about which I feel duty bound to express my disapproval.

At stake is TSA's management of the Screening Partnership Program, SPP, which allows a limited number of airports around the country to replace Transportation Security Officers, TSOs, with private contractors to screen passengers and their baggage. TSA has implemented this program at airports where, due to low-traffic volume, full-time, year-round Federal staff is unnecessary. A handful of larger airports take part in the program so TSA can measure and assess its performance and cost effectiveness

against the private contractors. It is telling that TSA's assessment after comparing the two systems is that it can secure airports more economically than private screeners can.

Regrettably, some of my colleagues in the House and Senate are resolved to undermine TSA—and therefore airport security itself—by advocating for the pre-9/11 system of screening by private contractors. My response to that is, how quickly we forget.

Mr. President, we have already tried an aviation security system run by private contractors. It very tragically did not work. The 9/11 attacks did not occur because of one, two, or three specific vulnerabilities. They occurred because a number of our defenses—including our system of airport screening—were simply inadequate.

I know everyone has vivid memories of the days after the 9/11 attacks, and it is hard to forget the dramatic loss of confidence the public felt for the aviation security system. Air travel dropped off precipitously in the weeks and months after 9/11, the aviation industry was shaken to its core, and our economy suffered because of it.

It became clear to many of us that aviation security was inseparable from national security, and we could not, and should not, rely on the private sector to do the job. The security of our skies would have to become a government responsibility. Americans need to be safe and secure wherever and whenever they travel. And while I would not want to cast blame or criticism on any one contractor, we have already witnessed the results of a system utilizing private security companies which were constantly pressured to focus on costs first and security second.

Less than 2 weeks after the 9/11 attacks, a bipartisan group of 21 Senators introduced the legislation that would create TSA and turn airport screening over to Federal officials. Barely a month after 9/11, the Senate passed that bill by a vote of 100 to 0. The bipartisanship of that vote was heartening and demonstrated a unity among Members that I wish we could experience more often. In the years since, we have had a few near misses, and our defenses have been penetrated more than once, but no hijackings or terrorist incidents have been successfully carried out. In large part, we have a dedicated corps of TSOs to thank for that.

I know it is fashionable in some quarters to criticize TSA. Understandably, people are unhappy with pat-downs, body scans, and invasions of privacy. But TSA establishes its policies for a reason. They are a direct response to real terrorist threats, and they have evolved as the threat has evolved. When a terrorist put explosives in his shoes and tried to light them afire mid-flight in 2001, TSA asked passengers to remove their shoes for screening. When a terrorist plot was uncovered in 2006 that involved lighting flammable liquids aboard several planes, liquids, except in small quantities, were prohib-

ited. After the Christmas Day 2009 attempted attack with explosives hidden in a terrorist's clothing, better screening technology was developed. These are not hypothetical cases or academic scenarios. They are real incidents and the reason that TSA makes so many demands on the flying public. And we should not delude ourselves or the American people into thinking that adopting a contract workforce will eliminate the need for body scanners, pat-downs, or any other security procedure TSA determines is necessary to secure air travel. Regardless of whether a U.S. airport uses Federal screeners or private ones, the security procedures implemented are the same.

Yet a provision has been tucked into this bill that would make it more difficult for TSA to maintain its current system by lowering the burden of proof for admitting additional airports to the Screening Partnership Program. Right now, airports must demonstrate that a private screening workforce would be more effective, secure, and efficient, than the TSA. The standard tucked into this bill, however, would only require airports to demonstrate that using private screeners "would not compromise security or detrimentally affect the cost-efficiency or the effectiveness of screening."

While the TSA Administrator would still have the authority to deny an application to the Screening Partnership Program, this lower standard would make it far more difficult for him to do so. TSA Administrator Pistole has said that the Screening Partnership Program should be used judiciously and that airport screening is and should remain a core mission for the Department of Homeland Security since 9/11, and I agree with him wholeheartedly.

Another provision in the bill strikes me as counterproductive. This provision would require TSA to provide recommendations to an airport that was denied its application to the SPP on how that airport can overcome the denial, if it decides to resubmit its application. If TSA believes that it can screen passengers and baggage better and with more cost efficiency than a private contractor, why would it provide tips on how an airport can escape that system?

Private screening could also limit TSA's ability to react nimbly to intelligence threats. If screeners are privately employed and managed airport by airport, TSA may not be able to respond effectively by shifting personnel to where it is most needed or modifying procedures if it cannot exert direct control over screeners.

Mr. President, private screening at airports could undermine not just public confidence in the aviation security system but in aviation security itself. We have been there and experienced the consequences of private screening. The American public must feel secure when it travels, and security is the first priority of TSA.

Ultimately, I voted for the Federal Aviation Administration Moderniza-

tion and Reform Act. But I believe we should reconsider and revisit the language related to TSA's Screening Partnership Program. I would urge my colleagues to remember the lessons learned after 9/11 and work with me to ensure we won't make the same mistakes again.

Mr. WYDEN. Mr. President, the long-awaited passage of the long term FAA reauthorization conference report is a great achievement for Chairman ROCKEFELLER, Ranking Member HUTCHINSON, and the many other Senators and staff members who were involved in this legislation. I'm pleased with the important nationwide achievements in this bill—NextGen radar systems, improved passengers' rights, and airline ticket transparency, to name a few.

But I wanted to take a few moments to talk about the huge positive impact this legislation is going to have throughout almost every part of my home State of Oregon.

The big news for the Portland region is that the new slot exemptions at Washington National Airport will likely allow for the first direct flight from Portland International Airport to Washington National. This was not an easy victory for the northwest—many of my colleagues from both sides of the aisle had opinions on this issue and it seemed like we were not going to be able to come to an agreement. But I'm proud to say that both sides came to a compromise that will improve air service in the northwest and throughout the country.

One of the things I'm most proud of is that this bill permanently protects Crater Lake from the threat of noisy air tours. As most folks who have visited Crater Lake know, the quiet and peace of the park is just as important as its scenic beauty. This legislation says that Crater Lake is specifically off limits to any overflights that might threaten that tranquility.

This bill creates six new test areas for commercial use of unmanned aerial systems. In Central Oregon, folks are excited about the potential for using those test areas to advance the cutting edge aviation industry that already exists there. It's also an opportunity to monitor wildlife, do meteorological testing, and improve law enforcement in the vast acres of public lands now being co-opted by drug traffickers.

Perhaps the folks who are most directly helped by this legislation are in Independence, OR. Independence has a community of general aviation enthusiasts who live near Independence Airport and who keep their planes on their own property. The FAA recently decided to change the rules on them, putting their future in doubt. This legislation erases that doubt and allows those folks to continue an arrangement they've had for nearly 40 years with no significant safety issues and no significant noise complaints.

Finally, this legislation includes language to encourage recycling at airports, something I have been working

on for nearly a half dozen years. I'm glad that it will provide important tools for airport recycling going forward.

I commend my colleagues for moving this legislation forward as a positive step for the country and for my home State.

#### FLOOD PROTECTION

Mr. HOEVEN. Mr. President, I thank my colleagues for their help in passing S. 2039 by unanimous consent last month. This bill, which establishes a pilot program in North Dakota, will provide a great deal of help to citizens in my State.

I sponsored this legislation because Federal policy has stood in the way of flood protection measures necessary for communities in North Dakota. I want to highlight a couple of situations, one in Fargo and one in Minot, that illustrate the need for this bill.

First, Fargo, ND, has faced repeated flooding in the Red River, which runs through the heart of the city. The city has constructed a permanent levee to run along as much of the river as possible. However, over the years, some properties along the river bank were bought out using funds from FEMA's Hazard Mitigation Grant Program. HMGP guidelines prohibit the construction of any structure, including a levee, on land bought out under the program. So as a result, Fargo's levee stops every time it comes up to HMGP land. When the waters rise, the city builds a temporary extension of its levee that goes over the HMGP land and connects to the next section of the permanent levee, and when the waters recede, the city has to take down the temporary levee to remain in compliance with the HMGP no-construction policy. Year after year, Fargo has constructed and then removed several temporary levees at great expense and for no apparent reason other than the letter of the HMGP law.

Second, Minot, ND, is about to run into the same problem currently facing Fargo. As my colleagues know, Minot faced enormous flooding during the summer of 2011, losing thousands of homes and sustaining hundreds of millions in damages. In response, the city plans to build a major new flood protection system, including levees through the middle of town along the river. In order to build that system, Minot will have to buy out dozens of properties and create space for a levee. The Federal Government will make money available through the HMGP program for property buyouts, but we are unable to use it if spending it precludes construction of a levee on these properties.

In both cases, the solution is simply to permit levee construction on property purchased with HMGP funds. HMGP restrictions on construction were intended to ensure that the Federal Government would not be on the hook to pay for future flood damages

on property it had bought out. For the most part, that makes sense. But when a community wants to add flood protection in the form of a levee, it should be allowed to do so. A levee across HMGP-purchased land does not create future liabilities for the Federal Government; instead, it increases flood protection for local residents—something that will save the government money in future flood situations.

The text of S. 2039 allows for levee construction on North Dakota land purchased through the Hazard Mitigation Grant Program. The legislation directs the FEMA Administrator to approve construction of a levee on HMGP land after the Administrator determines that the levee would provide better flood risk mitigation than maintaining the property as open space. The Administrator is also directed to ensure that the levee would comply with relevant levee construction and maintenance standards and would minimize future costs to the Federal Government.

And I would like to put particular emphasis on the subject of costs to the Federal Government. This legislation does not affect the amounts of money provided under the HMGP program. It does, however, allow communities like Minot to use HMGP dollars more efficiently by permitting property buyouts to be linked with new flood protection plans. The legislation eliminates the costs FEMA and the Army Corps of Engineers incur every time they are forced to build and then tear down temporary levees on HMGP properties. Finally, the legislation ensures that any costs associated with the process the FEMA Administrator and the Army Corps Chief of Engineers use to approve levee construction are borne by the State, local, or tribal government requesting the levee. Any Federal funds approved elsewhere of course remain available for levee construction and are not affected by this legislation.

S. 2039 has moved on to the House of Representatives where I hope it can be approved expeditiously and sent to the President. The bill will provide important benefits to the people of Fargo, Minot, Devils Lake, and other North Dakota communities facing repeated flood risks. I thank my colleagues for their support of this common sense legislation, and I hope it can be an example of how to improve flood protection nationwide.

#### REMEMBERING FOUR CHAPLAINS OF THE USAT "DORCHESTER"

Mr. NELSON of Florida. Mr. President, today I pay tribute to four American heroes who embody the spirit of what it means to serve your fellow man. Those heroes are the four Army chaplains who served on board the United States Transport Ship *Dorchester* in 1943—Methodist Minister Reverend George L. Fox, Rabbi Alexander D. Goode, Roman Catholic Priest John P. Washington, and Reformed

Church in America minister Reverend Clark V. Poling.

On February 2, 1943, the *Dorchester* was making its way across the North Atlantic, carrying 904 service men, merchant seamen, and civilian workers. This area was under constant patrol by German submarines; it was a dangerous area for American vessels and several ships had already been sunk between Newfoundland and Greenland, the *Dorchester's* intended destination. At 12:55 a.m. on February 3, a German U-boat spotted the *Dorchester* and fired 3 torpedoes at the American ship, delivering a fatal blow.

The *Dorchester* began to take on water and would sink beneath the freezing ocean in under 25 minutes. Many had been killed or injured in the initial blast, and panic set in as the passengers and crew attempted to find life vests and get into lifeboats. Many of the surviving passengers recall the calm disposition of the four chaplains who made their way to a storage locker and handed out lifejackets. When there were no more lifejackets, the chaplains removed their own and gave them to four passengers who were without. Rabbi Goode was seen giving away his only pair of gloves, and throughout the chaos and panic survivors could hear the chaplains preaching courage as the ship went down.

There were not enough rubber suits onboard to protect the passengers from the frigid North Atlantic waters. Of the 14 lifeboats aboard, only 2 were successfully used in abandoning ship. Of the 904 passengers, only 229 were saved by nearby vessels. 14 bodies were recovered, and 661, including the 4 Army chaplains, were missing and unreported.

In recognition of the extraordinary heroism displayed by the chaplains when they sacrificed their lives by giving up their life preservers to other men aboard the *Dorchester*, Congress authorized the Special Medal for Heroism which was awarded by President Eisenhower on January 18, 1961. No such medal has been awarded again in our Nation's history.

Millions of men and women have served bravely in our military. Many, like the chaplains onboard the *Dorchester*, have gone above and beyond the call of duty. The 4 chaplains on board, despite their differences in faith, came together to bring comfort to the 904 men on board the *Dorchester*. And they proved that it is possible to serve not only their country and their God but also their fellow man.

On February 14, a monument to the four chaplains of the *Dorchester* will be unveiled in Sebastian, FL. In January, I had a chance to meet Ernie Heaton, the last living survivor of the *Dorchester* sinking and a key leader in the push to get a monument put up in Sebastian. It was clear after meeting Ernie that witnessing the four chaplains' sacrifice first-hand made a lasting impact on him, just as their story continues to inspire all of us.

## ADDITIONAL STATEMENTS

## TRIBUTE TO RACHEL BRISTOL

• Mr. MERKLEY. Mr. President, today I wish to thank Rachel Bristol for 29 years of service to Oregon's hungry and congratulate her on her very deserving retirement. Before joining the Oregon Food Bank, Rachel graduated with honors from the University of Oregon with a degree in community development and public administration and served as a VISTA volunteer at the Oregon Food Share in 1983. Her devotion to feeding the hungry soon led her to the job of Acting Executive Director at the OFS. In 1988, she was a key player in the merger with Interagency Food Bank to form the Oregon Food Bank. Just 2 years later, Bristol was named the executive director & CEO of the OFB.

Rachel's legacy at the Oregon Food Bank is well-known and widespread. Under her leadership, the food bank expanded from a 10,000 square foot site to 4 facilities totaling more than 155,000 square feet. Rachel's devotion to improving the lives of hundreds of thousands of hungry children has garnered recognition from the University of Portland, the Paul G. Allen Foundation, Feeding America, and the Portland Business Journal, and thanks from the families whose lives have changed because of her hard work and dedication.

I will be sad to see Rachel Bristol go, but thank her for her 29 years of service.●

## TRIBUTE TO MIKE KLUSE

• Mrs. MURRAY. Mr. President, today I congratulate one of my constituents, Mike Kluse, on being recognized as the 2012 Laboratory Director of the Year by the Federal Laboratory Consortium, FLC. Mike is the Director of the Pacific Northwest National Laboratory, PNNL, located in Richland, WA.

This award is a true honor and testament to Mike's leadership and efforts at PNNL. For the past 5 years he has guided the laboratory to many accolades. The laboratory has filed more than 1,000 invention disclosures, received more than 200 patents, and issued nearly 150 new licenses. PNNL has also earned 16 R&D 100 awards as well as 12 FLC awards for excellence in technology transfer. PNNL has the newest and most modern physical infrastructure in the Department of Energy, DOE, system. And PNNL's overall performance has been judged by DOE and other Federal agencies it supports as outstanding under Mike's stewardship.

PNNL's research and development portfolio spans many missions of importance to our country: national security, homeland security, clean energy development, environmental remediation programs at the Hanford Site, and scientific research ranging from systems biology to supercomputing.

Under Mike's leadership, PNNL has been involved in the formation of Innovative Washington, a nonprofit organization that aims to accelerate technological innovation by bringing together universities, national labs, entrepreneurs, and others involved in technology transfer. Mike is also a frequent public advocate for the strategic alignment of research with technology transfer and strongly supported the streamlining of PNNL's technology transfer operations.

PNNL also deserves praise for the safety and excellent work environment it provides for its employees and the surrounding community. As director, Mike has sustained an exceptional record for PNNL and built upon its history to make it one of the region's strongest corporate citizens. He's also been a tireless supporter of community activities and programs. Furthermore, Mike's outstanding leadership led to DOE extending PNNL's contract in 2011.

Therefore, it is with great pride that today on behalf of the citizens of Washington State I thank Mike for all his work. With that said, we know that PNNL's great successes could not be achieved without the strong support from the PNNL family, so my thanks also extends to the extraordinary scientists, engineers, and personnel that continue to make a difference in our region and the Nation.●

## TRIBUTE TO MARK HAMILL

• Mr. TESTER. Mr. President, today I wish to honor Mark Hamill, a native Montanan and a veteran of Operation Desert Shield and Desert Storm.

It is my honor to share the story of Mark's service during the first gulf war. Mark was in the Army Reserves as a helicopter crew chief. In the fall of 1990, he was assigned to a Medivac unit and deployed to Saudi Arabia.

As a helicopter crew chief, Mark was responsible for making sure the Medivac helicopters were ready to fly at a moment's notice. Two helicopters went to Bahrain and two were on standby to go north for Medivac calls.

When Mark returned to the United States, the maintenance platoon never got their medals from the U.S. Army. The pilots and medics from the helicopters did but the men and women who were responsible for the safety of the helicopters were forgotten about.

Earlier this month, in the presence of Mark's wife, parents, and friends, it was my honor to correct this oversight and finally present Mark with the medals he earned nearly 20 years ago.

I presented to Mark the Southwest Asia Service Medal with Three Bronze Stars, and the Overseas Service Ribbon.

I also had the honor of presenting to Mark the Kuwait Liberation Medal—Saudi Arabia, and the Kuwait Liberation Medal—Kuwait.

These four decorations are small tokens, but they are powerful symbols of

true heroism, sacrifice, and dedication to service.

These medals are presented on behalf of a grateful nation.●

## TRIBUTE TO PAUL WALBORN

• Mr. TESTER. Mr. President, today I wish to honor Paul Walborn, a veteran of Vietnam.

Paul, on behalf of all Montanans and all Americans, I stand to say "thank you" for your service to this Nation.

It is my honor to share the story of Paul Walborn's sacrifice in Vietnam, because no story of heroism should ever fall through the cracks.

Paul joined the Navy in December of 1963. He was an Electrician's Mate, based on a landing craft. From Coronado, CA, he flew to Japan. On May 5, 1965, one of Paul's first assignments was to be part of a convoy from Okinawa, Japan to Vietnam. Paul was part of the third wave that took Marine Corps artillery equipment to the Chu Lai beach. Intelligence reports were unclear whether Viet Cong forces would meet them on the beach.

From Chu Lai, Paul went to Da Nang where he unloaded Navy and Merchant Marine equipment. His boat then made several trips up the Perfume River to deliver equipment to support the war effort.

When Paul returned to America, he wanted to get back to normal life. His DD-214 form was correct but the Navy had no record of him serving in Vietnam, even though he unloaded cargo onto Vietnamese beaches.

He says there was just too much going on in 1967 for the Navy to worry about getting his paperwork processed correctly.

Earlier this month, in the presence of his family, it was my honor to finally present to Paul the National Defense Service Medal, and the Vietnam Service Medal with one Bronze Star.

I also presented to Paul the Meritorious Unit Commendation Ribbon, and the Vietnam Campaign Medal with the 1960 device.

These four decorations are small tokens, but they are powerful symbols of true heroism. Sacrifice. And dedication to service.

These medals are presented on behalf of a grateful nation.●

## NATIONAL MARROW DONOR PROGRAM

• Mr. TOOMEY. Mr. President, today I wish to speak about an important health issue that impacts the lives of many people across the country. Each year, more than 18,000 Americans are diagnosed with a serious blood disease and require a bone marrow transplant. Unfortunately, only 30 percent of those patients in need will find a suitable match within their family. Although about 5,000 patients each year receive a marrow transplant, others will pass away while awaiting a match.

Since 1987, the National Marrow Donor Program, NMDP, now publically

known as Be The Match, has undertaken a laudable effort to connect transplant patients with healthy, unrelated donors through the Be The Match Registry. Today, the registry includes more than 9.5 million registered donors. Despite their success in raising awareness and soliciting support, a small percentage of our population is registered. Patients from ethnic and minority communities face particular difficulty in finding matches due to limited diversity within the registry, further complicating the search for a viable genetic match. Deutsche Knochenmarkspenderdatei gGmbH, DKMS, currently the largest bone marrow donor center in the world, shares Be The Match's commitment to increasing donor recruitment and diversifying the marrow donor registry.

This year, marrow donor registry drives will take place in communities across America. One in particular, known as Simon's Saturday, will take place in Emmaus, PA. The bone marrow donor drive is named after Simon Ernst, an energetic 8-year-old from Upper Milford, who is bravely battling leukemia and awaiting a bone marrow transplant. Participation in the marrow donor registry is simple and safe. Interested participants must meet the age and health requirements, fill out a registration form, and provide a swab of cheek cells. I would like to encourage those interested to attend a bone marrow drive in their community or to join online by visiting the NDMP website at [www.BeTheMatch.org](http://www.BeTheMatch.org) or the DKMS website at [www.getswabbed.org](http://www.getswabbed.org).

The bone marrow donor program is a cause close to my family's heart, which is why I intend to participate in a bone marrow registry drive on February 18, 2012. This issue is especially important to my wife Kris, who has been a registered donor through Be The Match for the last 16 years, and I look forward to joining her and the more than 9.5 million individuals who have already joined. Together we can help provide hope and save lives.●

#### TRIBUTE TO MICHAEL BECK

● Mr. RUBIO. Mr. President, today I recognize Michael Beck, a fall intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Michael is a senior at Brigham Young University majoring in political science. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Michael for all the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO KATERINA ERBITI

● Mr. RUBIO. Mr. President, today I recognize Katerina Erbiti, a fall intern in my Washington, DC office for all of

the hard work she has done for me, my staff and the people of the State of Florida.

Katerina is a graduate of Our Lady of Lourdes Academy in Coral Gables, FL. Currently, she is a freshman at American University. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Katerina for all the fine work she has done and wish her continued success in the years to come.●

#### TRIBUTE TO TAYLOR FERGUSON

● Mr. RUBIO. Mr. President, today I recognize Taylor Ferguson, a fall intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Taylor is a graduate of Cardinal Newman High School in West Palm Beach, Florida and Florida Gulf Coast University, where he majored in political communications. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Taylor for all the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO COURTNEY HOUSTON-CARTER

● Mr. RUBIO. Mr. President, today I recognize Courtney Houston-Carter, a fall law extern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Courtney is a graduate of Tufts University, where he majored in political science. Last spring, he received his Juris Doctor from Suffolk University Law School. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Courtney for all the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO TAYLOR KLOUSTIN

● Mr. RUBIO. Mr. President, today I recognize Taylor Kloustin, a fall intern in my Washington, DC office for all of the hard work she has done for me, my staff and the people of the State of Florida.

Taylor is a junior at Elon University majoring in public administration and political science and minoring in business administration. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Taylor for

all the fine work she has done and wish her continued success in the years to come.●

#### TRIBUTE TO ART LINARES

● Mr. RUBIO. Mr. President, today I recognize Art Linares, a fall intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Art is a graduate of the University of Tampa, where he received a degree in entrepreneurship. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Art for all the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO KAREN MUSTIGA

● Mr. RUBIO. Mr. President, today I recognize Karen Mustiga, a fall intern in my Washington, DC office for all of the hard work she has done for me, my staff and the people of the State of Florida.

Karen is a graduate of the University of Florida, where she majored in political science and economics. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Karen for all the fine work she has done and wish her continued success in the years to come.●

#### TRIBUTE TO CHRIS WASSMAN

● Mr. RUBIO. Mr. President, today I recognize Chris Wassman, a fall press intern in my Washington, DC office for all of the hard work he has done for me, my staff and the people of the State of Florida.

Chris is a sophomore pursuing a major in Political Science at The George Washington University. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Chris for all the fine work he has done and wish him continued success in the years to come.●

#### TRIBUTE TO NICOLE MARTINEZ

● Mr. RUBIO. Mr. President, today I recognize Nicole Martinez, an intern in my Miami office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Nicole is a senior at Coral Reef Senior High School in Miami, FL. Next fall, she will be attending the Wharton Undergraduate School of Business at the University of Pennsylvania. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Nicole for all the fine work she has done and wish her continued success in the years to come.●

#### MESSAGES FROM THE HOUSE

At 11:55 a.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 bills, in which it requests the concurrence of the Senate:

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge.

H.R. 1162. An act to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes.

#### ENROLLED BILL SIGNED

The President pro tempore (Mr. INOUE) announced that on February 3, 2012, he had signed the following enrolled bill, previously signed by the Speaker of the House:

H.R. 588. An act to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge.

#### ENROLLED BILL SIGNED

At 5:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 658. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUE).

#### MEASURES REFERRED

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

H.R. 306. An act to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge; to the Committee on Energy and Natural Resources.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2079. A bill to extend the pay limitation for Members of Congress and Federal employees.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment:

S. 1108. A bill to provide local communities with tools to make solar permitting more ef-

ficient, and for other purposes (Rept. No. 112-144).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with amendments:

S. 1142. A bill to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, and for other purposes (Rept. No. 112-145).

S. 1149. A bill to expand geothermal production, and for other purposes (Rept. No. 112-146).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1160. A bill to improve the administration of the Department of Energy, and for other purposes (Rept. No. 112-147).

By Mrs. BOXER, from the Committee on Environment and Public Works, with amendments:

S. 432. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, and for other purposes (Rept. No. 112-148).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1925. A bill to reauthorize the Violence Against Women Act of 1994.

#### 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. LEVIN (for himself and Mr. CONRAD):

S. 2075. A bill to close unjustified corporate tax loopholes, and for other purposes; to the Committee on Finance.

By Mr. FRANKEN (for himself, Mr. BOOZMAN, and Ms. KLOBUCHAR):

S. 2076. A bill to improve security at State and local courthouses; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BLUMENTHAL (for himself, Mr. FRANKEN, Mr. WHITEHOUSE, and Mr. CASEY):

S. 2077. A bill to amend the Older Americans Act of 1965 to authorize Federal assistance to State adult protective services programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 2078. A bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER:

S. 2079. A bill to extend the pay limitation for Members of Congress and Federal employees; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. Res. 369. A resolution congratulating the New York Giants for winning Super Bowl XLVI; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 412

At the request of Mr. LEVIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 489

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 824

At the request of Mr. BROWN of Ohio, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 824, a bill to provide for enhanced mortgage-backed and asset-backed security investor protections, to prevent foreclosure fraud, and for other purposes.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1058

At the request of Mr. PRYOR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1058, a bill to amend the Public Health Service Act to ensure transparency and proper operation of pharmacy benefit managers.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on



such schools' athletic programs, and for other purposes.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1467

At the request of Mr. BLUNT, the names of the Senator from Arizona (Mr. KYL), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1802

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1802, a bill to authorize the Secretary of the Interior to carry out programs and activities that connect Americans, especially children, youth, and families, with the outdoors.

S. 1834

At the request of Mr. CORKER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1834, a bill to restore and repair the United States mortgage markets by making them transparent, bringing in private capital, winding down the Government-sponsored enterprises, and for other purposes.

S. 1862

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. NELSON) 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. 1884

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1925

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1925, a bill to reauthorize the Violence Against Women Act of 1994.

S. 2043

At the request of Mr. RUBIO, the names of the Senator from Alaska (Ms.

MURKOWSKI), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 2043, a bill to amend title XXVII of the Public Health Service Act to provide religious conscience protections for individuals and organizations.

S. 2054

At the request of Mr. BEGICH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2054, a bill to suspend the current compensation packages for the senior executives at Fannie Mae and Freddie Mac, and to establish compensation for all employees of such entities in accordance with rates of pay for other Federal financial regulatory agencies.

S. 2064

At the request of Mr. DEMINT, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 2064, a bill to amend the Internal Revenue Code of 1986 to terminate certain energy tax subsidies and lower the corporate income tax rate.

S. RES. 232

At the request of Mr. MENENDEZ, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 232, a resolution recognizing the continued persecution of Falun Gong practitioners in China on the 12th anniversary of the campaign by the Chinese Communist Party to suppress the Falun Gong movement, recognizing the Tuidang movement whereby Chinese citizens renounce their ties to the Chinese Communist Party and its affiliates, and calling for an immediate end to the campaign to persecute Falun Gong practitioners.

S. RES. 310

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 310, a resolution designating 2012 as the "Year of the Girl" and Congratulating Girl Scouts of the USA on its 100th anniversary.

At the request of Ms. MIKULSKI, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. Res. 310, *supra*.

S. RES. 356

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself and Mr. CONRAD):

S. 2075. A bill to close unjustified corporate tax loopholes, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today, along with Senator CONRAD and others, I am introducing S. 2075, the Cut Unjustified Tax Loopholes Act, or CUT Loopholes Act. This legislation will help us meet three important goals: Reducing the budget deficit, protecting

important priorities, and restoring some of the fairness to our tax system.

Our legislation would reduce the deficit by \$155 billion. It would do so by closing tax loopholes that favor wealthy individuals and corporations while raising the tax burden that American families must carry. It would provide more than enough revenue to pay for a full-year extension of the payroll tax cut now in place, or put a significant dent in the deficit reduction we need to avoid draconian automatic cuts through sequestration.

It is clear to almost everyone that revenue must be a part of our deficit reduction strategy. Presidents from Reagan to Bush, Sr. to Clinton have used balanced strategies that included revenue as well as spending cuts.

I will continue to fight for a number of other revenue measures such as a surtax on millionaires and billionaires; eliminating tax subsidies for oil and gas companies; ending the Bush-era tax cuts for those earning more than \$250,000; and ending the carried interest loophole. We need to make those changes. But so far, they have run into an ideological brick wall, as many here in Congress refuse to consider reasonable revenue measures. But even that rigid ideological stance should allow for ending the kinds of egregious loopholes we are discussing today.

First is offshore tax haven abuse. The Permanent Subcommittee on Investigations, which I chair, has spent years shedding light on how these abuses aid the wealthy and corporations. Based in part on S. 1346, the Stop Tax Haven Abuse Act, our bill would, in part: Give Treasury the authority to combat tax haven banks and jurisdictions that help U.S. clients hide assets and dodge U.S. taxes; crack down on offshore corporations that are managed from the U.S. from claiming foreign status to dodge taxes; eliminate tax incentives for moving U.S. jobs overseas or for transferring intellectual property offshore; and establish the presumption that, unless a taxpayer proves otherwise, a corporation formed by, receiving assets from, or benefiting a U.S. taxpayer is considered under that taxpayer's control for tax purposes.

These provisions and others would reduce the deficit by at least \$130 billion over 10 years.

Our bill's second focus is on a tax loophole that subsidizes corporations giving stock options to corporate executives. Today, corporations can take massive tax deductions for stock options, but usually show much lower expense on their books. Our subcommittee found that from 2005-2009, this loophole allowed excess tax deductions ranging from \$12 billion to as high as \$61 billion in a single year.

The CUT Loopholes Act would prevent corporate income tax deductions for stock options that exceed the expense shown on company books. It would preserve current tax treatment for individuals receiving options and



for incentive stock options used by start-up companies.

According to the Joint Committee on Taxation, these measures would reduce the deficit by \$25 billion over 10 years.

The time for these measures is now.

First, the math is inescapable. We can't reduce the deficit and do other important things—protect our country, care for our seniors, educate our young—if tax revenue remains at its lowest level in decades, and if the effective corporate tax rate is at historic lows, thanks in part to these and other tax loopholes.

Second, there is a growing recognition among Americans that loopholes like these and many others leave the deck stacked against them and their families. Overwhelmingly Americans tell us: Close those loopholes down.

Third, this is not just a realization by Democrats. Strong majorities of Independents and Republicans say that we need balanced deficit reduction, and that closing loopholes is one way to do that. Just this week, a national poll showed that 90 percent of small business owners—a majority of them Republicans—believe big corporations use loopholes to avoid taxes that small businesses still have to pay.

Reducing the deficit and protecting important programs is hard. We face many tough decisions and difficult fights in the months ahead.

But this decision should be easy. We should close these loopholes and make a bipartisan statement that we can reduce the deficit, serve important priorities, and restore fairness to the tax code.

By Mr. FRANKEN (for himself, Mr. BOOZMAN, and Ms. KLOBUCHAR):

S. 2076. A bill to improve security at State and local courthouses; to the Committee on Homeland Security and Governmental Affairs.

Mr. FRANKEN. Mr. President, Sue Lantto is an advocate of victims of domestic violence. She often visits a local courthouse in suburban Minneapolis to help her clients obtain protective orders. Last month, she wrote an editorial in which she acknowledged that “[m]ost of us who work at the courthouse have had moments when we were frightened” because cases sometimes “become volatile.”

Patricia Buss handles family court matters in Dakota County, MN. She says she “personally think[s] of the risks every time [she] walk[s] into the courthouses.”

John Baker is an attorney in Maplewood, MN. He is also a retired marine. He concurs with Sue and Patricia. He says:

I am not saying that we need to create fortresses in our courthouses, but basic security screening and training can go a long way. That is not being done.

The local courthouse is a workplace for many people, for secretaries, custodians, and clerks who clock in and clock out every day. It is also

where justice is administered. It is where we report for jury duty and fight traffic tickets. It is where adoptions are processed, divorces are finalized, and misdemeanors are adjudicated. But as Sue, Patricia and John explained, local courthouses can be dangerous places—stakes are high, tempers flare, victims confront their assailants, defendants confront their accusers, prosecutors argue with defense lawyers. A rash of incidents in late 2011 raised concerns about security at local courthouses, especially in rural and suburban communities.

In September, a defendant opened fire in the Crawford County Courthouse in Arkansas, shooting a judge's secretary. Authorities reported the gunman entered the courthouse unopposed, wearing tactical gear, armed with semiautomatic weapons. The local newspaper later noted the shooting “highlighted the vulnerability of the state's many small, rural courthouses where the guards, armed police and metal detectors common in large cities are often too expensive.”

Two days later, there was a shooting in the Adams County Superior Court in Indiana. According to media accounts, that courthouse did not have a metal detector either. A local judge observed that there were “a lot of security problems here that need to be corrected” and that the shooting “really drove home the point that things need to change.”

Then, in December, a defendant retrieved a gun from his car and walked into the Cook County Courthouse in Grand Marais, MN. The courthouse did not have a metal detector and the gunman was not screened. He shot and wounded the prosecuting attorney and a witness. The bailiff also was injured during the encounter. After the shooting, a Minnesota judge wrote to his colleagues expressing concerns about courthouse security. He put the issue very well. He said: “I'm no longer willing to risk my life, the life of court staff, the life of the public who have no choice about going to court.” He said he was worried about being “carried out in a body bag.”

These are not isolated incidents. The Center for Judicial and Executive Security in St. Paul tracks court-targeted acts of violence across the Nation and estimates there were 23 such incidents at local courthouses in 2010 and 2011 or about 1 per month. This is not the first time we have confronted this issue in Minnesota. A few years ago, a man took hostages at the courthouse in Morrison County. After the shooting in Grand Marais, in December, a local sheriff recalled that “[t]here were a lot of heroes who really averted something much more serious.”

I am grateful for those heroes. Minnesota's sheriffs and law enforcement personnel across our Nation are among them. These brave men and women have many duties, including the daunting task of keeping our local

courthouses safe. In fact, the National Sheriffs Association sent me a letter last week. I think it is worth noting, so let me read it.

Sheriffs are typically responsible for the safety and security of the local courthouses in their counties—along with performing traditional law enforcement duties and operating the local jails. Sadly, in recent years, there has been a spike in violent incidents in courthouses across the country. This violence places law enforcement, judicial personnel, and the general public in harm's way. As such, it is imperative that sheriffs have the resources, particularly in rural areas where resources are extremely limited, to ensure courthouses have the appropriate equipment and tools necessary to improve security, enabling for the protection of courthouses throughout the United States.

Our sheriffs need support, and we should not wait for the next courthouse shooting before we give it to them. That is why today I am introducing the bipartisan Local Courthouse Safety Act. It does three simple, commonsense things.

First, the bill cuts through bureaucratic redtape, giving local courts direct access to security equipment that Federal agencies no longer are using. This provision is modeled after a Defense Department program that allows the Pentagon to give its excess equipment to local police and firefighters. The Local Courthouse Safety Act would do the same thing for local courts. It would give them direct access to the Federal Government's excess metal detectors, wands, and baggage screening machines.

Second, the Local Courthouse Safety Act gives States the flexibility they need to make investments in courthouse security. It clarifies that States may use their Byrne Justice Assistance grants, the Byrne JAG grants, and State Homeland Security grants to improve safety at local courthouses. The bill does not require any new spending, and it does not impose any new mandates on anyone. It simply says that States can use existing Federal resources for courthouse security upgrades if they so choose.

Finally, the Local Courthouse Safety Act provides statutory authorization for the Justice Department's VALOR Initiative, which provides training and technical assistance to local law enforcement officers teaching them how to anticipate and survive violent encounters.

This is a bipartisan issue, and this should be legislation we can pass even in this divided Congress. I am proud to introduce this legislation with Senator BOOZMAN, my Republican colleague from Arkansas, and a champion for law enforcement personnel in his State and across the country. I encourage my colleagues from both sides of the aisle to join Senator BOOZMAN and me in advancing this bill. In doing so, they will join a long and growing list of groups who support it, including the National Sheriffs Association, the Conference of Chief Justices, and the Conference of State Court Administrators.

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. 2076

*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 “Local Courthouse Safety Act of 2012”.

#### SEC. 2. PROVIDING LOCAL COURTHOUSES WITH SECURITY TRAINING AND ASSESSMENTS.

The Attorney General, as part of the Preventing Violence Against Law Enforcement and Ensuring Officer Resilience and Survivability Initiative (VALOR) of the Department of Justice, may provide safety training and technical assistance to local law enforcement agencies.

#### SEC. 3. IMPROVING FLEXIBILITY OF STATES TO USE GRANTS TO PROTECT COURTHOUSES.

(a) STATE HOMELAND SECURITY GRANT PROGRAM.—Section 2008(a) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)) is amended—

(1) in paragraph (12), by striking “and” at the end;

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

“(13) improving security at courthouses of a State or local government; and”.

(b) BYRNE GRANTS.—Section 501(a)(1)(B) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(a)(1)(B)) is amended by inserting “, including programs to improve security at courthouses” before the period.

#### SEC. 4. IMPROVING ACCESS OF LOCAL COURTHOUSES TO EXCESS FEDERAL SECURITY EQUIPMENT.

(a) IN GENERAL.—Subchapter II of chapter 5 of title 40, United States Code, is amended by adding after section 529 the following:

##### “§ 530. Excess security equipment

“(a) DEFINITIONS.—In this section—

“(1) the term ‘excess security equipment’ means excess property that is used to detect weapons, including metal detectors, wands, and baggage screening devices; and

“(2) the term ‘qualifying State or local courthouse’ means a courthouse of a State or local government that has less security equipment than the security needs of the courthouse require.

“(b) DISPOSAL OF EXCESS SECURITY EQUIPMENT.—

“(1) IN GENERAL.—Notwithstanding any other provision of this subchapter, the Administrator of General Services shall ensure that a State or local government has an opportunity to request to receive excess security equipment for use at a qualifying State or local courthouse before the excess security equipment is made available to any other individual or entity under this subchapter.

“(2) DISPOSAL.—

“(A) IN GENERAL.—Subject to subparagraph (B), upon request by a State or local government for excess security equipment for use at a qualifying State or local courthouse, the excess security equipment shall be made available to the State or local government without cost, except for any costs of care and handling.

“(B) MULTIPLE REQUESTS.—If more than 1 State or local government requests a particular piece of excess security equipment, the excess security equipment shall be dis-

tributed based on need, as determined by the Administrator of General Services, with priority given to a qualifying State or local courthouse that has no security equipment.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 529 the following:

“530. Excess security equipment.”.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 369—CONGRATULATING THE NEW YORK GIANTS FOR WINNING SUPER BOWL XLVI

Mr. SCHUMER (for himself, Mrs. GILLIBRAND, Mr. LAUTENBERG, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 369

Whereas on February 5, 2012, the New York Giants achieved the improbable and upset the New England Patriots by a score of 21 to 17 to win Super Bowl XLVI;

Whereas during the 2012 postseason, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the New England Patriots;

Whereas quarterback Eliana Nelson “Eli” Manning, who went 30 for 40 for 296 yards, with 1 touchdown pass and zero interceptions, led a fourth-quarter touchdown drive, set a Super Bowl record by completing his first 9 pass attempts, and won his second Super Bowl Most Valuable Player Award;

Whereas punter Steve Weatherford set a Super Bowl record with 3 punts downed inside the 10-yard line;

Whereas in each round of the playoffs, when none of the experts thought the Giants had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas in 2008, Tom Coughlin, head coach of the Giants, led the Giants to victory in Super Bowl XLII;

Whereas this season, Tom Coughlin, in his eighth year as head coach of the Giants, with the help of Perry Fewell, defensive coordinator, Kevin Gilbride, offensive coordinator, and the entire Giants coaching staff, led the Giants to a victory in Super Bowl XLVI and brought the Vince Lombardi Trophy back to the Meadowlands;

Whereas the New York Giants organization is one of the most successful in National Football League history, boasting 18 Hall of Famers, appearing in 31 postseasons, winning more than 600 games and 8 championships, including remarkable title runs in 1987, 1991, 2008, and 2012 (Super Bowls XXI, XXV, XLII, and XLVI) that captivated New York and New Jersey;

Whereas the New York Giants are the first team to win the Super Bowl with a 9 and 7 regular-season record;

Whereas Giants co-owner and chief executive officer John Mara and chairman and executive vice president Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff;

Whereas the New York Giants have played all their home games in East Rutherford, New Jersey since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community-outreach projects; and

Whereas the entire Giants franchise has become a model of professionalism, teamwork, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

*Resolved*, That the Senate congratulates the New York Giants for winning Super Bowl XLVI and completing one of the most impressive seasons in professional sports history.

#### NOTICES OF HEARINGS

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor and Pensions will meet in open session on Tuesday, February 14, 2012, at 2:30 p.m. in room SD-430 to conduct a hearing entitled “Pain in America: Exploring Challenges to Relief.”

For further information regarding this meeting, please contact the committee on (202) 224-7675.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Employment and Workplace Safety of the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, February 16, 2012, at 10:00 a.m. in room SD-430 to conduct a hearing entitled “Addressing Workforce Needs at the Regional Level: Innovative Public and Private Partnerships.”

For further information regarding this meeting, please contact the subcommittee on (202) 228-1455.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 16, 2012, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled “Energy Development in Indian Country.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FINANCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 7, 2012, at 3 p.m., in room 215 of the Dirksen Senate Office Building, to consider a Chairman’s Mark entitled, “The Highway Investment, Job Creation and Economic Growth Act of 2012.”

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 7, 2012, at 10 a.m.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 7, 2012, at 2:30 p.m.

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

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "The Promise of Accessible Technology: Challenges and Opportunities" on February 7, 2012, at 2:30 p.m., in room G-50 of the Dirksen Senate Office Building.

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. FRANKEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 7, 2012, at 2:30 p.m.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider the following nomination: Calendar No. 545; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel Bradley D. Spacy

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

## CONGRATULATING THE NEW YORK GIANTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 369.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 369) congratulating the New York Giants for winning Super Bowl XLVI.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The resolution (S. Res. 369) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 369

Whereas on February 5, 2012, the New York Giants achieved the improbable and upset the New England Patriots by a score of 21 to 17 to win Super Bowl XLVI;

Whereas during the 2012 postseason, the Giants were the epitome of determination, fortitude, and resiliency as they made their way through the playoffs and ultimately triumphed over the New England Patriots;

Whereas quarterback Elisha Nelson "Eli" Manning, who went 30 for 40 for 296 yards, with 1 touchdown pass and zero interceptions, led a fourth-quarter touchdown drive, set a Super Bowl record by completing his first 9 pass attempts, and won his second Super Bowl Most Valuable Player Award;

Whereas punter Steve Weatherford set a Super Bowl record with 3 punts downed inside the 10-yard line;

Whereas in each round of the playoffs, when none of the experts thought the Giants had a chance to win, the Giants and their loyal, dedicated, and passionate fans believed they could accomplish what others declared impossible;

Whereas in 2008, Tom Coughlin, head coach of the Giants, led the Giants to victory in Super Bowl XLII;

Whereas this season, Tom Coughlin, in his eighth year as head coach of the Giants, with the help of Perry Fewell, defensive coordinator, Kevin Gilbride, offensive coordinator, and the entire Giants coaching staff, led the Giants to a victory in Super Bowl XLVI and brought the Vince Lombardi Trophy back to the Meadowlands;

Whereas the New York Giants organization is one of the most successful in National Football League history, boasting 18 Hall of Famers, appearing in 31 postseasons, winning more than 600 games and 8 championships, including remarkable title runs in 1987, 1991, 2008, and 2012 (Super Bowls XXI, XXV, XLII, and XLVI) that captivated New York and New Jersey;

Whereas the New York Giants are the first team to win the Super Bowl with a 9 and 7 regular-season record;

Whereas Giants co-owner and chief executive officer John Mara and chairman and executive vice president Steve Tisch have done a remarkable job leading this storied franchise with the assistance and dedication of their talented staff;

Whereas the New York Giants have played all their home games in East Rutherford, New Jersey since 1976 and have supported Bergen County and the northern New Jersey and New York areas with community-outreach projects; and

Whereas the entire Giants franchise has become a model of professionalism, team-

work, and community service in representing the entire New York and New Jersey metropolitan area: Now, therefore, be it

*Resolved*, That the Senate congratulates the New York Giants for winning Super Bowl XLVI and completing one of the most impressive seasons in professional sports history.

## MEASURE READ THE FIRST TIME—S. 2079

Mr. REID. Mr. President, there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2079) to extend the pay limitation for Members of Congress and Federal Employees.

Mr. REID. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will be read the second time on the next legislative day.

## ORDERS FOR THURSDAY, FEBRUARY 9, 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate adjourn until 9:30 a.m., on Thursday, February 9, 2012; that following the prayer and the 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 until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to the surface transportation bill.

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

## PROGRAM

Mr. REID. Mr. President, the next vote will be at 2 p.m. on Thursday.

## ADJOURNMENT UNTIL THURSDAY, FEBRUARY 9, 2012, AT 9:30 A.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Thursday, February 9, 2012, at 9:30 a.m.

CONFIRMATION

IN THE AIR FORCE

*To be brigadier general*

Executive nomination confirmed by  
the Senate February 7, 2012:

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED  
UNDER TITLE 10, U.S.C., SECTION 624: COLONEL BRADLEY D. SPACY

## EXTENSIONS OF REMARKS

HONORING HERB J. WESSON, JR.

**HON. JANICE HAHN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Ms. HAHN. Mr. Speaker, during Black History Month, I rise today to honor Los Angeles City Councilman Herb Wesson, Jr., who has built a ground breaking career of public service at the city, county, and state levels of government in the State of California.

Mr. Wesson made a significant contribution to contemporary Black History when he served as Chief of Staff in the office of Los Angeles County 2nd District Supervisor Yvonne Brathwaite Burke, the first—and only—African American female ever elected to the LA County Board of Supervisors.

His first elected office came in 1998, when he was elected to the California State Assembly and was re-elected in 2000 and 2002. His colleagues in the California State Assembly—by a unanimous vote—elected Mr. Wesson the second African American in the 162-year history of the State of California to serve as Speaker of the California State Assembly.

After he left the Assembly, he was elected to represent the 10th Council District in the City of Los Angeles in 2005, capturing over 80 percent of the vote. His City Council colleagues called him “a consummate bridge builder.” Last year, he was elected by his City Council colleagues—once again unanimously—to serve as President of the Los Angeles City Council, becoming the first African American to do so since Los Angeles was incorporated in 1850.

On January 3, 2012, City Council President Wesson took office and presided over his inaugural meeting of the city council. My friend and former colleague, Herb, personifies the storied and triumphant history of the African American community not just in Los Angeles, but around our great Nation.

### CIVILIAN PROPERTY REALIGNMENT ACT

SPEECH OF

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 6, 2012*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, and for other purposes:

Mr. BLUMENAUER. Mr. Chair, while I agree that the federal government must find a way to dispose of unused federal government property properly, I voted against H.R. 1734, because this legislation turns the federal government into a worse partner than it already is.

There is a way to save federal government dollars and reduce our property holdings while

working in cooperation with local governments and the local population. Rather than working with local governments and respecting the plans they have implemented, this legislation ignores plans that are already in place, and does not give community leaders a chance to participate in any part of the property realignment. Additionally, the legislation overrides important environmental regulation that has helped protect our communities for decades.

It is frustrating that my colleagues refused to work in a bipartisan fashion, or even to work with local governments, to develop a better way to dispose of excess federal property. I look forward to working with my colleagues to find a solution we can all agree on.

TRIBUTE TO MR. DICK MONTEITH

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the life of a beloved leader in the Stanislaus County community, Mr. Dick Monteith, on his 80th birthday.

Dick Monteith was born in Los Banos, California, spent his early years attending Merced and Stanislaus County public schools, and graduated from Turlock High School. He continued his education at Menlo College and Stanford University, where he graduated with a Bachelor of Arts Degree in Sociology.

Soon after graduation, Dick started a life-long career in agri-business as a partner in Monteith Tractor/Truck Company. He subsequently served in the Marketing Department of Gallo Wines, and then as a Sales Representative for Weyerhaeuser Company. He retired as General Manager of Sales and Distribution for Middleton Packaging prior to seeking his first elective office.

He was elected to the California State Senate representing the 12th District in 1994 and then again in 1998. In 2006, Dick was elected to the Stanislaus County Board of Supervisors. During his time on the Board, he witnessed the collapse of the housing market, which caused a reduction in property taxes. The county was faced with the worst budget crisis since the Great Depression. Yet, even during the darkest days, the Board of Supervisors accomplished many projects, including the Crows Landing-West Park Project, Federally Qualified Healthcare Look Alike, New Residency Program, and the sale of the Behavioral Health Center to DMC.

Some of the Capital Projects that have been completed during his tenure include the completion of Gallo Center for the Arts, the Empire Pool Project, the Expansion of the West Modesto Clinic, a new Animal Shelter, the Salida Library Remodel Projects and the ground breaking for the Juvenile Commitment Facility. In addition, he has attended 189 Board meetings, considered 4,331 Resolutions and served as Chairman of the Board in 2011.

Dick and his wife Jeanine make their home in Modesto. He has two sons, three step-daughters, and four grandchildren.

Dick is a member of Christ Community Church and serves on the boards of Modesto Gospel Mission, Youth for Christ and Stanislaus County Prayer Breakfast.

Mr. Speaker, please join me in honoring Dick Monteith for his unwavering leadership and recognizing his accomplishments and contributions. Dick serves as an example of excellence to those in our community.

PERSONAL EXPLANATION

**HON. MICHAEL R. TURNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. TURNER of Ohio. Mr. Speaker, on February 3, 2012, I was unable to vote on rollcall votes 31, 32 and 33. Had I been present I would have voted “no” on rollcall vote 31, on the motion to recommit with instructions for H.R. 3578, “yea” on rollcall vote 32, passage of H.R. 3578, and “yea” on rollcall vote 33, on agreeing to the conference report for H.R. 658.

### RECOGNIZING NATIONAL MARRIAGE WEEK

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. WOLF. Mr. Speaker, I rise today to recognize National Marriage Week, which begins today and concludes on Valentine’s Day. I am a strong supporter of traditional marriage, which is the basis of the American family. The purpose of National Marriage Week is to encourage spouses to rededicate themselves to each other and towards strengthening their marriages. Strong marriages allow children to flourish and provide a safe structured environment for emotional, spiritual, personal and professional development.

The family is the cornerstone of our society and I encourage all Americans to take this week to focus on their spouse and commit to strengthening their marriage.

PERSONAL EXPLANATION

**HON. KEITH ELLISON**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. ELLISON. Mr. Speaker, on February 6, 2012, I missed rollcall votes Nos. 34 and 35 due to commitments in my district. Had I been present I would have voted “no” on rollcall vote 34 and “yes” on rollcall vote 35.

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

## RECOGNIZING FAMILY CENTRAL

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the 40th anniversary of Family Central, Inc.

Since its founding in 1971, Family Central has played a pivotal role in the lives of South Florida families by providing quality, safe, and affordable child care. By working at the local level, Family Central serves as an essential community partner in improving the lives of the constituents of Florida's 20th Congressional district and beyond. Throughout our region, Family Central has served approximately one million children since its founding.

I applaud Family Central's work to ensure that families in Broward and Miami-Dade Counties have access to excellent child care. As a working mother, I understand the struggles that working families go through to provide and care for their children. With the number of parents working full time on the rise, more and more families are fully engaged in the daily juggling act of making ends meet and caring for their children.

Family Central provides safe and affordable child care to over one hundred thousand South Florida children annually. The role they play is critical to ensuring families do not have to choose between being able to afford child care and being able to trust that their child is safe.

Family Central also provides training to childcare practitioners, giving them new skills to help them create a learning environment that supports a child's emotional, cognitive, and developmental needs. In the years since Family Central was created, research has reinforced that early learning is an integral part of successful child development and reducing achievement gaps in our educational systems.

This wonderful organization not only helps provide care for children when parents are working, but it also helps parents to become better and more effective caregivers for their children at home. They are one of only ten groups in the country identified as a Nurturing Parenting Affiliate. By helping parents to nurture their children, Family Central helps the families of South Florida become and remain strong, stable, and united.

The difficult economic conditions of the past few years have been especially tough for working families across the country, and particularly in South Florida. Now more than ever, the essential services provided by community partners like Family Central are critical to giving children in our community an environment in which to thrive.

Congratulations to Family Central on their 40th anniversary—and thank you to everyone who has made it possible. I commend their service to our great state, to South Florida and to the families and children of Florida's 20th Congressional District.

I look forward to more great achievements from Family Central as it continues its long tradition of providing quality, accessible and affordable services to South Florida's families.

## HONORING THE HONOREES OF THE SEBASTICOOK VALLEY CHAMBER OF COMMERCE AWARDS

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to honor the recipients of the 2012 Annual Sebecook Valley Chamber of Commerce Awards. For years, the Chamber has been at the forefront of business networking and development across 12 towns in the Newport, Pittsfield and Dexter areas.

Each year, the Sebecook Valley Chamber of Commerce honors local businesses, business leaders, and individuals who promote and advance a vital and healthy economic environment. These individuals and businesses are committed to strengthening opportunity and prosperity in Maine.

This year's award recipients include George and Linda Lougee for the Joyce Packard Community Spirit Award and C.M. Almy and Sons Inc. for the Business of the Year for 2012. Since they first came to Newport in 1999, the Lougees have devoted themselves to helping the area flourish. Their efforts to arrange Sparkle, the Chamber's and the Region's largest fund raiser, have generated \$78,000 for local organizations over the last six years. Additionally, C.M. Almy and Sons Inc. has manufactured church vestments, furnishing, and accessories since 1892. This third-generation family owned business is being recognized for community support in the region.

These recipients are among the best that Maine has to offer. Through their leadership and incredible commitment to their communities and to Sebecook Valley, Maine is a better place to live and to do business.

Mr. Speaker, please join me again in congratulating the Sebecook Valley Chamber of Commerce and these individuals on their outstanding service and achievement.

## WELFARE INTEGRITY NOW FOR CHILDREN AND FAMILIES ACT OF 2011

SPEECH OF

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 1, 2012*

Mr. HOLT. Madam Speaker, last week I voted against the so called "Welfare Integrity Now for Children and Families Act of 2011," H.R. 3567.

H.R. 3567 would require states to prevent the use of Temporary Assistance for Needy Families (TANF) program benefits in a liquor store, casino, or strip club.

This bill is being disguised as one that would ensure taxpayer dollars are being appropriately spent. In reality, this bill is being brought to the floor to demean individuals who rely on TANF benefits and to imply that they are immoral.

It is ludicrous to suggest that there is a national problem necessitating that Congress stop TANF recipients from spending their money at strip clubs.

TANF is a long-standing program, previously known as Aid for Families of Dependent Children, that is one of the most important parts of our national safety net and that keeps almost 2 million families from the brink of starvation.

What is missing from this bill is any discussion that in many underserved neighborhoods, the closest ATM is located in one of these establishments. Preventing the use of TANF cards at these establishments could result in TANF beneficiaries not being able to access their benefits. Instead of debating how Congress could pass laws that would help with economic redevelopment in underserved communities, we are spending our time vilifying individuals receiving benefits and then sanctimoniously taking credit for preventing any misuse. This is part of the message of those who seek to demean the President by calling him the food stamp President.

Further, this bill would cost money—not save it. In New Jersey, it is estimated that this bill would cost \$100,000 to implement and Governor Christie's office wrote to express their concerns about the bill.

For a bill that is supposed to be ensuring that taxpayer dollars are being well spent, this bill would hinder individuals from obtaining their legitimate benefits and cost states more money. Every Member of Congress should have opposed this bill which was more offensive than silly.

H.R. 1173 is another attempt by the Republicans to embarrass individuals who are on hard economic times instead of helping them find a job.

## HONORING ANDREW G. ROMAN

**HON. MICHAEL F. DOYLE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. DOYLE. Mr. Speaker, I rise today to pay tribute to a great American and a proud son of Pittsburgh, Pennsylvania.

Andrew G. Roman, known as Andy, died peacefully January 4, 2012 at the age of 87.

Born to Greek immigrants on June 27, 1924, he was raised in Pittsburgh. By all accounts, Andy was a true patriot. During World War II, he served as a combat soldier in Italy with the 88th Infantry Division—Blue Devils, receiving two Purple Hearts and two Bronze Stars. After his honorable discharge, he returned to marry his childhood sweetheart Tresa and started his aerospace career working on the DC-6 and Harry Truman's Sacred Cow, with Douglas Aircraft.

Traveling extensively throughout the world during his time with McDonnell-Douglas, he worked on many programs critical to the security and technological pre-eminence of the United States, including the Thor, Delta, Nike Zeus (based on Kwajalein in the South Pacific), Apollo, and SkyLab programs. Andy completed his 35 year-career as the Director of Factory Operations for McDonnell Douglas in Titusville, Florida on the Dragon and Tomahawk missiles. Throughout his career, he was honored to work with many wonderful colleagues and friends who represented the McDonnell-Douglas family, an organization he truly revered.

Andy is survived by his loving wife of 65 years, Tresa, and an extensive family that includes four grandchildren and seven great-



grandchildren. I know that many of his family still reside in our great city of Pittsburgh.

Andy's family and all those who knew him are exceedingly proud of his fine career and service to our country. I want to join with them today by expressing my best wishes for Andy's family as we honor Andrew G. Roman—an American patriot.

#### PERSONAL EXPLANATION

#### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. HEINRICH. Mr. Speaker, I unfortunately missed three votes the afternoon of February 3, 2012, which included rollcall votes 31, 32, and 33.

If I had been present, I would have voted in favor of rollcall vote 31, the Motion to Recommit Representative WOODALL's (GA-07) H.R. 3578.

If I had been present, I would have voted against rollcall vote 32, final passage of Representative WOODALL's (GA-07) H.R. 3578.

If I had been present, I would have voted against rollcall vote 33, the conference report for Representative MICA's (FL-07) H.R. 658.

#### RECOGNIZING MRS. GERTRUDE L. MALLETT FOR HER UNWAVERING COMMITMENT TO HORTICULTURE

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a valued member of our society, Mrs. Gertrude L. Mallett. Mrs. Mallett is a conservationist and agriculturalist from Hinds County, Mississippi. Her wisdom and sincere affection for everyone leaves everlasting impressions.

Born December 18, 1919, she is the widow of Frank Mallett and mother to their six children. Mr. and Mrs. Mallett believed in God, family, and hard work and raised their children to believe in such.

The Mallett family is proprietor of roughly 200 acres of land in Hinds County, Mississippi, where they raise and harvest cattle, corn and cotton.

Up until 1995, when Mrs. Mallett obtained her General Education Diploma from Hinds Community College in 1995 at the age of 75, she had only attained an 8th grade education.

Today, at 92 years of age, Mrs. Mallett remains active; she advises the day-to-day farm operations of their family farm in addition to maintaining her annual garden. Mrs. Mallett is an all around craftsman and self-taught ceramicist. She crafts quilts and crochets in addition to other handiworks.

Mrs. Mallett is a servant to God and faithful steward of Saint John's Missionary Baptist Church. She taught Sunday school for over 30 years, served as the church secretary for more than 50 years and still remains active in the church.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Gertrude L. Mallett for her unwavering commitment to horticulture.

#### IN CELEBRATION OF NATIONAL BLACK HISTORY MONTH RECOGNIZING THE LIFETIME ACHIEVEMENTS OF HAROLD GEORGE BELAFONTE, JR.

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. RANGEL. Mr. Speaker, today I rise in celebration of National Black History Month and to recognize the lifetime achievements of my good friend, Harold "Harry" George Belafonte, Jr., an American and International Hero. Black History Month is an appropriate time to pay homage to Harry Belafonte and his amazing, incredibly impressive, inspiring and historic renowned career, which began at the age of 19 in the United States Navy during World War II. After taking advantage of the G.I. Bill, his career soared as an actor, musician, singer, producer, and civil rights and humanitarian activist. Due to Harry Belafonte's lifetime achievements our nation and the world are far better.

After the Great War, Harry attended and graduated from The New School for Social Research in New York City. Harry began appearing in jazz clubs, cabarets, and soon began recording his wonderful pop, folk, and world music albums. His acting career took off after his 1953 film debut in *Bright Road*. Many movies and performances later, Harry Belafonte received a Tony Award nomination for his Broadway performance in *John Murray Anderson's Almanac*. Although he was acknowledged for his talent, it wasn't until he played a lead role in the film *Carmen* that he became a true star. Harry was able to use his new popularity to boost his album sales and create a need in the United States for Caribbean music that had lacked before. He then went on to win an Emmy for his special *Tonight with Harry Belafonte*, and was bestowed the honor of first African American producer.

With Paul Robeson as his inspiration, Harry took art and activism to new levels. During his 43 years of fame, Belafonte worked against social injustice. Throughout the civil rights movement, he advised and served as Reverend Dr. Martin Luther King, Jr.'s confidant and he worked to provide for King's family. His dedication led Harry to be blacklisted during the McCarthy era, like many other civil rights activists. He bailed King out of the Birmingham City Jail and raised thousands of dollars to release other civil rights protesters. Harry managed to mobilize the Hollywood community, finance Freedom Rides, support voter registration drives, and help to organize the March on Washington in 1963, where he delivered an inspiring speech. Harry went on to serve in President John Fitzgerald Kennedy's administration, as cultural advisor to the Peace Corps.

A true humanitarian Harry Belafonte is best known for his landmark music collaboration, "We Are the World," which joined many musicians—including songwriters and producers Michael Jackson, Lionel Richie, Quincy Jones and Michael Omartian—together. USA for Africa was able to use this song to help raise millions of dollars to help relieve famine in Ethiopia. Harry continued his work by becoming UNICEF's Goodwill Ambassador in 1986. Harry carries on his incredible work by sup-

porting causes such as HIV/AIDS and cancer research and educating children.

Harry was an outspoken critic of apartheid in South Africa, and he and Arthur Ashe Co-chaired Artists and Athletes Against Apartheid, which played a major role in international sports boycott against South Africa. In 1988, Harry released his first album of original material in over a decade, *Paradise in Gazankulu*. The album contains ten protest songs against the South African former Apartheid policy. He was the Master of Ceremonies at a reception honoring African National Congress President Oliver Tambo at Roosevelt House, Hunter College, in New York City. The reception was held by the American Committee on Africa, ACOA, and The Africa Fund. Today, Harry is a current board member of the TransAfrica Forum and the Institute for Policy Studies.

Following his appointment Harry traveled to Dakar, Senegal, where he served as chairman of the International Symposium of Artists and Intellectuals for African Children. He also helped to raise funds, alongside other artists in the largest concert ever held in sub-Saharan Africa. In 1994 he went on a mission to Rwanda and launched a media campaign to raise awareness of the needs of Rwandan children. In 2001 he went to South Africa to support the campaign against HIV/AIDS. In 2002, Africare awarded him the Bishop John T. Walker Distinguished Humanitarian Service Award for his efforts to assist Africa. In 2004 Harry went to Kenya to stress the importance of educating children in the region. Harry has also been involved in prostate cancer advocacy since 1996, when he was diagnosed and successfully treated for the disease.

On June 27, 2006, Harry was the recipient of the BET Humanitarian Award at the 2006 BET Awards. He was named one of nine 2006 Impact Award recipients by AARP The Magazine. On October 19, 2007, Harry represented UNICEF on Norwegian television to support the annual telethon—TV Aksjonen—in support of that charity and helped raise a world record of \$10 per inhabitant of Norway.

Harry is additionally known for his visit to Cuba which helped ensure hip-hop's place in Cuban society. According to Geoffrey Baker's article "Hip hop, Revolucion! Nationalizing Rap in Cuba." Harry, in 1999 met with representatives of the rap community immediately before meeting with Fidel Castro. This meeting resulted in Castro's personal approval of the incorporation of rap into his country's culture. In a 2003 interview Harry reflected upon this meeting's influence:

"When I went back to Havana a couple years later, the people in the hip-hop community came to see me and we hung out for a bit. They thanked me profusely and I said, 'Why?' and they said, 'Because your little conversation with Fidel and the Minister of Culture on hip-hop led to there being a special division within the ministry and we've got our own studio'."

On October 17, 2011, HBO Films released the documentary, *Sing Your Song*, which details a close look at the life of a patriot to the last and a champion for worldwide human rights. Told from Harry's point of view, the film charts his life from a boy born in New York and raised in Jamaica, who returns to Harlem in his early teens where he discovers the American Negro Theater and the magic of performing. From Harlem to Mississippi to Africa and South Central Los Angeles, Sing Your

Song takes us on a journey through Harry Belafonte's life, work and most of all, his conscience, as it inspires us all in a call to action.

Mr. Speaker, I ask you, my colleagues and a very grateful nation as we celebrate National Black History Month to recognize the achievements of the world's humanitarian, and Harlem's beloved, Harry Belafonte.

# CONFERENCE REPORT ON H.R. 658, FAA REAUTHORIZATION AND RE- FORM ACT OF 2012

SPEECH OF

**HON. JANICE HAHN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 3, 2012*

Ms. HAHN. Mr. Speaker, I rise to explain my excused absence from the House last week, and to discuss how I would have voted on H.R. 658, conference report for the "FAA Modernization and Reform Act," if I hadn't been pulled away by the funeral of my dear friend, Frank Herrera.

Frank was a World War II veteran, a titan in his community of Wilmington, and a good friend of mine. He will be sorely missed by his family and all who knew him.

While I was at his funeral, the House took action on the first long term FAA reauthorization since the last one expired in 2007. After the embarrassment of twenty-three short-term extensions, I was glad to see our Nation's aviation infrastructure finally given the certainty of long term funding. Finally, we will bring our aviation infrastructure into the 21st century with NextGen, and give long overdue certainty to modernization projects across the country.

However, I was appalled to see that this "compromise" was bought with the rights of hard working men and women. I agree with the Communications Workers of America, the Service Employees International Union, the International Brotherhood of Electrical Workers, the National Education Association, the Teamsters and other advocates of working people that the American people deserved a clean FAA reauthorization, not this attempt to interfere with a worker's right to chose to form a union.

Had I been here on Friday, I would have voted "on" on H.R. 658.

# RAISING AWARENESS OF CON- GENITAL HEART DEFECT AWARENESS WEEK

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. MARCHANT. Mr. Speaker, I rise to raise public knowledge of Congenital Heart Defect Awareness Week, which is February 7–14, 2012. This week encourages all citizens to increase their awareness, education, and services for Congenital Heart Defects, which each year affect thousands of babies in the State of Texas.

Congenital Heart Defects are the most frequently occurring birth defects and the leading cause of birth defect-related deaths worldwide.

Over a million families across America are facing the challenges and hardships of raising children with Congenital Heart Defects. Every year, 40,000 babies are born in the United States with Congenital Heart Defects.

Some Congenital Heart Defects are not diagnosed until months or years after birth, and undiagnosed Congenital Heart conditions cause many cases of sudden cardiac death in young athletes. Despite these statistics, newborns and young athletes are not routinely screened for Congenital Heart Defects, and research on these heart conditions has only recently begun catching up to the problem—but more must be done.

Congenital Heart Defect Awareness Week provides an opportunity for families whose lives have been affected to celebrate life and to remember loved ones lost, to honor dedicated health professionals, and to meet others and know they are not alone. Congenital Heart Defect Awareness Week also provides the opportunity to share experience and information with the public and the media, in order to raise public awareness about Congenital Heart Defects. I ask all of my colleagues to join me in honoring February 7–14 as Congenital Heart Defect Awareness Week.

# TRIBUTE TO VICTOR CRUZ AND THE NEW YORK GIANTS

**HON. BILL PASCARELL, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. PASCARELL. Mr. Speaker, I rise today to congratulate Victor Cruz and the New York Giants on their thrilling victory in Super Bowl XLVI on Sunday night, in which they defeated the New England Patriots by a score of 21 to 17. As a fan, I am excited that the Giants have once again brought a Super Bowl championship and the Vince Lombardi Trophy back home to New Jersey. After last winning a championship in 2008, this is the second Giants Super Bowl victory in the past five seasons, for an impressive all-time total of four Super Bowl wins amongst their eight National Football League championships.

Leading the charge for the Giants was the pride of my hometown of Paterson, New Jersey, wide receiver Victor Cruz. Paterson, located just a few miles from the Giant's home field, is home to thousands of proud Giants fans. Victor Cruz was born in Paterson, attending Paterson Public School #21 and Paterson Catholic High School before playing football at the University of Massachusetts, where he remains fourth in all time receptions. He fought his way off the streets of Paterson, finding a path to a college education. Starting as an unknown just two years ago, Victor gained the attention of Giants scouts and now competes on the highest level. Victor serves as a true inspiration to the people of Paterson, who gave him an enthusiastic send-off when he revisited School #21 before the team departed for the Super Bowl in Indianapolis.

On Sunday night, Victor Cruz scored the first touchdown of the contest on a reception from the game's Most Valuable Player, Giants quarterback Eli Manning. With this touchdown, Victor had the opportunity to showcase his signature "Silk City Salsa" touchdown dance, a fan favorite. This move shows Victor's con-

tinued connection with his home town, since it is named for the city of Paterson, which was once the center of a thriving domestic textile industry.

Since being signed by the Giants, Victor already holds the franchise record for single season receiving yards after going undrafted in 2010. He has also tied the NFL record for longest touchdown reception of 99 yards. Now, he can add a Super Bowl title to the long list of accomplishments he has already attained in just two years of playing professional football. Victor Cruz's story so far proves that anyone can achieve greatness with hard work and perseverance. I hope that Victor enjoys a long career with continued successes.

The job of a United States Congressman involves much that is rewarding, yet I am especially honored today to recognize and commemorate the achievements of the New York Giants and Paterson's hometown hero, Victor Cruz.

Mr. Speaker, I ask that you join our colleagues, the citizens of New Jersey, and me in recognizing the Giants for their victory in Super Bowl XLVI, and in wishing continued success to Victor Cruz, Eli Manning, Coach Tom Coughlin, owners John Mara and Steve Tisch, and the rest of the team. I am sure that former Giants owner and my fellow Fordham University alumnus, Wellington Mara, who passed away in 2005 after 80 years with the team, was also watching from above with a smile on Super Bowl Sunday. Let's Go Giants!

# PERSONAL EXPLANATION

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. OWENS. Mr. Speaker, on February 6, 2012, I missed a series of votes. If I had been present, I would have voted as follows:

On rollcall 34, On Agreeing to the Resolution providing for consideration of the bill (H.R. 1734) to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes, I would have voted "nay."

On rollcall 35, On Motion to Suspend the Rules and Pass, as amended, a bill to provide the Quileute Indian Tribe tsunami and flood protection, I would have voted "yea."

# OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 26, 1995, when the last attempt at a balanced budget amendment passed the House by a bipartisan vote of 300–132, the national debt was \$4,801,405,175,294.28.

Today, it is \$15,337,881,657,918.14. We've added \$10,536,476,482,623.86 dollars to our debt in 16 years. This is \$10 trillion in debt our nation, our economy, and our children could

have avoided with a balanced budget amendment.

INTRODUCTION OF THE BILL TO CONSOLIDATE PROGRAMS AT THE DEPARTMENT OF JUSTICE AND ENACT THE CAMPUS SAFETY ACT OF 2011

**HON. ROBERT C. "BOBBY" SCOTT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. SCOTT of Virginia. Mr. Speaker, today I am introducing a bill to consolidate programs at the Department of Justice in order to create an offset for the costs in another bill I previously introduced this Congress, the Center to Advance, Monitor and Preserve University Security, "CAMPUS," Safety Act. This consolidation bill is intended to allay the concerns some of my colleagues have expressed about the lack of an offset in the CAMPUS Safety Act. This bill will offset a majority of the costs of the the CAMPUS Safety Act, using the same offsets used in the Senate companion to the CAMPUS Safety Act, S. 1749, as introduced by Senator MARK WARNER. When the CAMPUS Safety Act is considered, we will merge the two bills together for consideration.

In order to alleviate a majority of the costs of the CAMPUS Safety Act, this bill requires that the Office of Dispute Resolution of the Department of Justice and the jurisdiction and employees of that office be transferred to the Office of Legal Policy at the Department and funded through the general administration appropriation of the Office of Legal Policy. This was proposed in the President's 2012 budget and also by Senator COBURN in his "Back in Black" report. This bill also requires the Attorney General to implement policies that will result in at least \$1 million in savings through consolidating ineffective or duplicative programs.

This bill is important because it helps to pay for the CAMPUS Safety Act, which is vitally important to our Nation's institutions of higher education. The CAMPUS Safety Act will create a National Center of Campus Public Safety, "Center," which will be administered through the Department of Justice. The Center will train campus public safety agencies, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. By having this information in one central location, institutions of higher education will be able to easily obtain the best information available on ways to keep campuses safe and secure and how to respond in the event of a campus emergency. This bill was introduced in the House in the 110th and 111th Congresses and passed both times by voice vote.

As Ranking Member of the Judiciary Committee's Subcommittee on Crime, Terrorism and Homeland Security and a Member of the Education and Workforce Committee, I strongly urge my colleagues to sign on to the CAMPUS Safety Act to help schools keep their campuses safe and free from violence.

CONFERENCE REPORT ON H.R. 658, FAA REAUTHORIZATION AND REFORM ACT OF 2012

SPEECH OF

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, February 3, 2012*

Mr. HOLT. Mr. Speaker, I rise today in opposition to H.R. 658, the FAA Air Transportation Modernization and Safety Improvement Act.

Mr. Speaker, we are considering this multiyear authorization after twenty-three temporary FAA extensions since 2007. The men and women who keep our skies safe deserve a long-term authorization. The American people deserve a long-term authorization. But I cannot support the long-term authorization that the conference committee has brought to us today.

There are good provisions included in this conference agreement. This agreement contains language I wrote to support service disabled veteran-owned small businesses in the Airport Improvement Program. I am also pleased that this agreement includes funding for Essential Air Service and Next Generation air traffic control systems, and that it requires airlines to implement emergency contingency plans for passengers who are subject to extended tarmac delays. It also ensures a fair collective bargaining process for our Nation's air traffic controllers.

However, the bill has a number of provisions that are serious problems, and thus I oppose the bill. For example, the bill fails to fundamentally address the transportation of lithium batteries on airplanes. Further, the bill attacks collective bargaining for other aviation employees. This conference agreement dramatically revises a 75-year-old statute that was crafted by labor-management cooperation and should not be changed without the agreement of both employer and employee representatives.

There is no reason for these provisions to be included in this bill other than the majority's desire to attack American workers' right to organize at every opportunity they get. This bill should not seek to change three-quarters of a century's worth of labor protections. The FAA reauthorization is not the place to rewrite federal labor law. And I urge my colleagues to join me in opposing it.

HONORING CHERYL McCLENNEY-BROOKER AT THE OCCASION OF HER RETIREMENT

**HON. CHAKA FATTAH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. FATTAH. Mr. Speaker, the Philadelphia arts community is losing a highly talented administrator and dedicated advocate with the retirement in February of Cheryl McClenney-Brooker as Director of External Affairs for the Philadelphia Museum of Art after a remarkable 28 years of service.

Ms. McClenney-Brooker, born, raised, and educated in Chicago, has worked in the cultural field and the museum profession for

more than 40 years. Her professional involvement with arts and culture began in New York City as Curatorial Coordinator at the Solomon R. Guggenheim Museum from 1970 to 1974, then two year stints as Assistant Director of the Museums Collaborative Cultural Voucher Program and Assistant Commissioner of the New York City Department of Cultural Affairs. She moved to Washington D.C. to serve for five years as Director of Humanities Projects in Museums and Historical Organizations at the National Endowment for the Humanities.

Then in 1983 Ms. McClenney-Brooker arrived on the scene of Philadelphia, the city of Brotherly Love and Sisterly Affection, to begin this most notable stage of her career at the Philadelphia Museum of Art—and seemingly everywhere in the cultural community. She has shown a special gift for leadership and inspiration in African American and Multicultural arts and culture, both in Philadelphia and as a roving ambassador around the world.

Here's just a sampling: Ms. McClenney-Brooker is a member of the boards of directors of Citizens for the Arts in Pennsylvania, African American Museum in Philadelphia, Multicultural Affairs Congress of the Philadelphia Convention and Visitors Bureau, Philadelphia Commission on African and Caribbean Immigrant Affairs, and The Jonathan Phillip Ford Memorial Foundation for Bipolar Disorder Awareness. She was Co-Founder and, from 1990 to 2005, Chair of the City-wide Philadelphia World AIDS Day/Day Without Art observance. She has served on federal, State and municipal funding panels, corporate and foundation funding committees, and works with several national, State, and local professional and community groups.

Ms. McClenney-Brooker's honors include: a National Scholastic Art Magazine scholarship to the School of the Art Institute of Chicago; International Council of Museums' travel grant to Europe; Partners of the Americas' museum travel grant to Brazil; Leadership Pennsylvania Certificate; African American Women of Achievement Award from the African American Museum in Philadelphia; Individual Achievement Award for Arts Administration from the Pennsylvania Federation of Museums and Historical Organizations; and the Share the Heritage Award from the Multicultural Affairs Congress of the Philadelphia Convention and Visitors Bureau.

One thing we know for sure about this tireless and selfless lady: As she transitions to "official" retirement with her husband, artist and art professor Moe Brooker, with the love of daughters Misha and Musa Brooker, she will simply have more time and energy to devote to the arts and culture projects that have consumed her life. I ask my colleagues in this House to join me in wishing good health, good times, and a productive "retirement" to Cheryl McClenney-Brooker.

RECOGNIZING MR. JAMES P. FALCONE FOR HIS SERVICE TO THE INTERNAL REVENUE SERVICE

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise to recognize Mr. James P. Falcone of

Centreville, Virginia, on the occasion of his retirement at the end of February after 38 years of public service with the Internal Revenue Service.

Throughout his tenure with the IRS, Mr. Falcone provided an example of model leadership through his work in both tax administration and later in support operations. He served in various roles such as Director of Facilities and Operations, Director of Real Estate and Facilities Management, IRS Human Capital Officer, and the first acting Chief of Mission Assurance. During his career, Mr. Falcone assisted with many successful initiatives, including the reorganization of the IRS following the passage of the Restructuring and Reform Act of 1998. He also played a role in establishing the Mission Assurance organization following the September 11th terrorist attacks. That effort instituted new safeguards for the tax administration and assured the safety of its employees, facilities, and information systems. In addition, Mr. Falcone assisted in reducing the size of the IRS' real estate portfolio to realize operation efficiencies.

Mr. Speaker, I ask that my colleagues join me in recognizing Mr. Falcone for his lifelong service to our constituents. His distinguished career and accomplishments serve as a reminder of the great value of public service to our country, and I congratulate him on his retirement.

IN RECOGNITION OF DR. MARY  
ELLEN WEBER

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor a remarkable woman, Dr. Mary Ellen Weber. She is a veteran Astronaut, an instrument-rated pilot, a world-class skydiver, and Vice President of Government Affairs and Policy at the University of Texas Southwestern Medical Center at Dallas.

As a NASA Astronaut for ten years, Dr. Weber inspired and awed our nation by completing two Space Shuttle flights, 297 earth orbits, and traveling 7.8 million miles. Among the youngest Astronauts ever to venture into space, she served as a pioneer for space exploration by flying aboard the Atlantis on mission STS-101. The mission was a critical early construction project for the International Space Station, in which she spent over eighteen days in space. She helped launch \$200 million communications satellite into Earth orbit when she flew aboard Discovery in 1995 on mission STS-70. After holding prestigious positions relaying reports to NASA's highest directors, she was awarded the NASA Exceptional Service Medal.

Not only is she a veteran in space, but she is an avid skydiver and pilot. She shares a world record for the largest freefall formation with 300 skydivers. She has logged over 4,000 skydives, and received twelve silver and bronze medals from the U.S. National Skydiving Championships. In addition, she is an instrument-rated pilot with over 600 hours in NASA's jet aircraft.

Dr. Weber was destined to share her knowledge of science. She received an M.B.A. from Southern Methodist University, a Ph.D. in

physical chemistry from the University of California at Berkeley, and a B.S. in chemical engineering from Purdue University. She published eight scientific papers and received one patent. In 2003, she became Vice President of Government Affairs and Policy at the University of Texas Southwestern Medical Center. UT Southwestern Medical Center is one highest acclaimed medical school, research, and hospital complex in Dallas, Texas.

I was sworn in as a Member of Congress in 2003 and that is how I met Dr. Weber in her role with UT Southwestern Medical Center. With her support and leadership, we were able to create a Health Care Fellowship between my office and UT Southwestern Medical Center. This successful program has provided what has become a very well regarded opportunity for Medical Doctors to have a front row seat in Congress to participate in the health care policy process. We have also partnered with UT Southwestern Medical Center on several joint events on their campus in Dallas. The Fellowship and events could not have been successfully executed without the guidance provided by Dr. Weber and the leadership at UT Southwestern.

On February 8, 2012, Dr. Weber will be leaving UT Southwestern after nine years in government affairs. Her contribution to the NASA's space program and UT Southwestern Medical Center has been unprecedented and her departure will soon leave a void in many hearts. It is my great privilege to recognize Dr. Mary Ellen Weber for the ingenuity and commitment she has shown to the people of UT Southwestern, NASA, and our Nation.

TO EXTEND THE PAY LIMITATION  
FOR MEMBERS OF CONGRESS  
AND FEDERAL EMPLOYEES

SPEECH OF

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 1, 2012*

Mr. WITTMAN. Madam Speaker, I don't think there is anyone in this country who supports increasing pay for Members of Congress. I certainly don't, which is why I voted in favor of H.R. 3835 on Wednesday. Throughout my tenure in this body, I have continually voted to cut, freeze, and otherwise limit pay for Members. With so many folks across Virginia's First District and the nation struggling to feed their families or find a job, Congress has got to lead by example and show that it is serious about tackling this country's economic woes in a responsible manner.

An important part of being responsible, however, is the ability to be fair, and I fear that H.R. 3835 sets an unfair precedent by targeting a particular group of public servants who are already tasked to do so much for their country: federal employees. Government workers have been under a pay freeze since December of 2010, and this legislation would extend that freeze through 2013. These hard-working patriots serve our nation on a daily basis, whether it be keeping our skies safe for travelers with the FAA or supporting our troops on the front lines of the war on terror with the CIA. From the lowest GS-1 to the highest GS-15, the federal workforce is full of dedicated and committed citizens who exem-

plify patriotism in everything they do. There is no question that changing the unsustainable trajectory of this nation will take sacrifice from us all, but continually singling out federal employees is an ineffective and unjustified response to the nation's fiscal struggles.

Although I have serious concerns with the federal employee pay freeze, I ultimately voted for this legislation because Congress must lead by example and freeze our own pay first. I would like to remind my colleagues that long after we are all gone, federal employees will continue to selflessly serve this nation, as they have since its inception. Repeatedly singling them out is no way to thank them for their dedicated contributions. I am hopeful that future deficit reduction efforts in this body will focus on more realistic methods of savings that truly address the drivers of our debt so that we can foster an environment of job creation and prosperity in this country.

TRIBUTE TO THE LIFE AND SERVICE OF OFFICER STEVEN DION GREEN, SR.

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. BONNER. Mr. Speaker, it is with a heavy heart that I rise today to honor the service of a fallen hero, Officer Steven Green of the Mobile, Alabama Police Department, who recently gave his life in the line of duty.

On February 3, 2012, Officer Green, age 36, was fatally wounded while transporting a robbery suspect. Mobile feels the deep pain of the loss of this young, dedicated protector of the peace. His untimely death has deeply saddened our community and even moved others from around the nation to add their many voices to the long list of those offering condolences to his family.

Officer Green dutifully served the Mobile Police Department and the people of Mobile since May 2010. He was stationed to the Department in the First Precinct and was on assignment in the Fifth Precinct at the time of his death.

A native of Mobile, Officer Green was a graduate of Blount High School where he distinguished himself as an outstanding athlete and member of the Varsity Football team. After high school, he contributed his considerable athletic talents and love of sports to the service of young people by coaching Little League Football.

Mr. Speaker, there is a special calling for those who would lay down their lives to guarantee the safety of others. Those who answer this call to serve with courage and conviction often don't seek the limelight or reward . . . they do what they do because they know it is right. Officer Steven Green was just such a person.

Officer Green is survived by a very large and loving family, including his dear wife, Valerie, and their lovely children, Jasmine, Tariyah, and Steven, Jr.

On behalf of the people of Mobile and South Alabama, I offer my deepest condolences to each of them and to all of Officer Green's many family, friends and fellow officers. You will never be far from our hearts as we all reflect upon the devoted service of Officer Green. May God bless you all.

SUPPORTING NATIONAL  
MARRIAGE WEEK**HON. J. RANDY FORBES**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. FORBES. Mr. Speaker, I rise today in support of National Marriage Week, which is observed each year from February 7th to 14th. During National Marriage Week, organizations and individuals across America collaborate on programs designed to strengthen marriages, reduce the divorce rate, and acknowledge the institution of marriage as a vital factor in promoting family and community stability. Although it is important that we devote ourselves to strengthening our marriages each day of the year, National Marriage Week provides an important opportunity for us collectively to pause and reflect on the crucial role that marriage plays as the foundation of a strong and healthy society. In so doing, it is my hope that we will be inspired to work even harder to protect this sacred institution.

Marriage is ordained by God and provides innumerable benefits to spouses and their children. Studies suggest that married men and women experience greater financial stability, longer life spans, and a decreased risk of depression—particularly among married mothers. Children in married families also reap a host of benefits, including increased physical health, lower rates of alcohol and substance abuse, and a reduced risk of physical, sexual, and emotional abuse.

I remain committed to the conviction that traditional marriage is worth protecting. The data demonstrates what many of us have long known: marriage between a man and a woman is one of the cornerstones of strength of our country, and is the foundation of families across America. I encourage you to join me in celebrating National Marriage Week by renewing your dedication to your spouse, and considering ways in which you can strengthen your commitment and devotion each day.

NATIONAL BLACK HIV/AIDS  
AWARENESS DAY**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. TOWNS. Mr. Speaker, today is National Black HIV/AIDS Awareness Day and I rise to highlight the struggle of the African American community against this terrible disease. The theme for this year is "I am My Brother's/Sister's Keeper: Fight HIV/AIDS". HIV is a crisis in the Black Community and has been for thirty years.

African Americans are disproportionately affected by this disease. According to the CDC, an estimated 1 in 16 black men and 1 in 32 black women will be diagnosed with HIV infection at some point in their lifetimes; and an African American woman is 15 times more likely to be living with HIV than a white woman of the same age. The CDC also notes that in 2007, HIV was the ninth leading cause of death for all blacks and the third leading cause of death for black women and black men aged 35–44.

Today, the New York Health Department announced that new HIV data shows a 41% drop in deaths among black persons living with HIV/AIDS in New York between 2001 and 2010. Though this is promising new information, the black community is still disproportionately affected by this disease. More than 107,000 New Yorkers are living with HIV, but thousands more don't know they're infected. New York City's AIDS case rate is almost 3 times the U.S. national average. Brooklyn alone has the highest population of any borough in New York City and has one of the highest HIV infection rates among Black and Latina women in the country. According to a Brooklyn based research institution, in 2008 nearly 30% of people living with HIV/AIDS in New York City, who died, were Brooklyn residents.

African Americans are more likely to be diagnosed late in the course of HIV infection, less likely to be connected with care and less likely to be prescribed the necessary preventative and life preserving anti-retroviral medications. Blacks are also most likely to die from HIV-related causes.

These are sobering statistics, but they offer us the opportunity to spread awareness and take action to provide the community with the help they need. The Affordable Care Act, which I fully supported, is a fantastic opportunity to provide assistance to African Americans as well as others suffering from this disease. It stops providers from denying coverage to HIV positive children and adults as well as providing increased access to Medicaid and other prescription assistance programs. However, until this act is fully implemented, we must work hard and work together to educate and provide access to care for those who need it most.

We cannot let the black community continue to bear the most severe burden of all racial groups. We must stand together to support the community and take action against the stigma surrounding HIV/AIDS. We must ensure our youth receive comprehensive education about the disease to help prevent infections in future generations. Until we put an end to AIDS, we must remain united to achieve the common goal of prevention and treatment for all.

## HONORING MR. RICHARD L. COTTA

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Mr. Richard L. Cotta on his retirement from the California Dairies, Inc., and to thank him for his dedication to the agriculture community.

Since 2007, Richard L. Cotta held the title of President and CEO of California Dairies, Inc. (CDI). He spent his entire career in the dairy industry in virtually all aspects of the dairy business—from the dairy farm to genetics, to dairy processing and dairy politics.

Cotta's career at CDI began in 1993, when he joined San Joaquin Valley Dairymen—a dairy processing and marketing cooperative—as its General Manager.

In 1999, San Joaquin Valley Dairymen merged with Danish Creamery and California Milk Producers to form CDI. Cotta was named

Senior Vice President of Producer Affairs and Government Relations at CDI, a role he held until he was named CEO in 2007. Under his leadership, CDI profits reached record levels.

From 1984 to 1993, Cotta served as the CEO of Western United Dairymen, the largest producer trade association in the state. From 1980 to 1984, he was the CEO of United Dairymen of California, a producer trade organization, until it merged to form Western United Dairymen.

Cotta testified before the U.S. Congress and the California Legislature on behalf of the dairy industry. At the request of the Secretary of Agriculture, he participated in world trade missions to open the U.S. dairy market overseas.

Previously, he worked as a sire analyst for American Breeders Service, a classifier for the Holstein Association of America and a principle in Genetics, Inc. For several years, he was a dairy consultant with many successful dairies on feeding, breeding and management systems.

Cotta graduated with honors from California State Polytechnic University, San Luis Obispo, with a degree in Dairy Husbandry. He currently owns and operates Cotta Farms and is a partner in Terra Bella Farms, both almond farming operations.

Cotta currently sits on the following boards—U.C. Davis Deans Advisory Council, California State University Chancellors Agriculture Advisory Council, Sacred Heart School Foundation, and the Innovation Center for U.S. Dairy. In addition, he sits on the Globalization Operating Committee for the U.S. Dairy Export Council.

Past board seats include—California Creamery Operators Association (Chairman), Dairy Cares Board (Chairman) California Dairy Research Foundation, U.S. Dairy Export Council, National Holstein Foundation, DairyAmerica (Chairman) and Challenge Dairy Products.

Mr. Speaker, please join me in commending Richard L. Cotta for his hard work in the California Dairy Industry and in congratulating him upon his retirement from the California Dairies, Inc.

NEW YORK CITY NATURAL GAS  
SUPPLY ENHANCEMENT ACT

SPEECH OF

**HON. GREGORY W. MEEKS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, February 6, 2012*

Mr. MEEKS. Mr. Speaker, thank you for the opportunity to speak in support of the "New York City Natural Gas Supply Enhancement Act" (H.R. 2606). This bipartisan legislation will authorize the Secretary of Interior to allow the construction and operation of natural gas pipeline facilities in the New York portion of the Gateway National Recreation Area.

My southeastern Queens district includes part of the Gateway National Recreation Area near Kennedy Airport, including the Jamaica Bay Wildlife Refuge. I have long supported efforts to improve the environment in and around Gateway as well as to enhance Gateway's facilities.

I join with Congressman GRIMM and Congressman TURNER in thanking Resources Chairman HASTINGS, Ranking Member MARKEY, Subcommittee Chair BISHOP and Ranking

Member GRIJALVA and their staffs for their help in moving our bill through their committee to the floor.

I also thank the National Park Service for its work to strengthen the legislation as well as for its efforts over the years to improve Gateway and its historic Floyd Bennett Field. Also deserving our appreciation are Governor Cuomo, New York Deputy Secretary for Energy Congdon, Mayor Bloomberg, Deputy Mayor Holloway, the Floyd Bennett Field Blue Ribbon Panel, the National Parks Conservation Association, the Regional Plan Association, and countless other individuals and organizations in New York for their work and collaboration in support of Gateway.

The natural gas pipeline system serving Queens, Brooklyn and Staten Island is 40 to 60 years old. While adequate for the demand at the time, the system no longer has the capacity for the approximately 5.2 million residents of these three boroughs. Simply put, we need new natural gas infrastructure to meet our existing and growing needs, and H.R. 2606 is necessary to get us there.

Robert Yaro, the President of the Regional Plan Association, summed it up in August 22, 2011 letter to me in support of our bill. He

stated that H.R. 2606 will expand the supply of natural gas in New York City, help support economic development, improve public health by increasing air quality, and provide needed financial support for restoration of one of Floyd Bennett Field's historically significant airplane hangars.

Mr. Speaker, H.R. 2606 is a win all around.

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#### TRIBUTE TO ADORE FLYNN KURTZ

#### HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 7, 2012*

Mr. OWENS. Mr. Speaker, I rise today to honor the retirement of one of my constituents, Adore Flynn Kurtz, President and CEO of The Development Corporation in Clinton County, NY.

Receiving a bachelor's degree from the College of New Rochelle, along with a Master's of Public Administration from Ohio State University, Ms. Kurtz has dedicated her life to economic development and the betterment of the community around her. Her work has spanned

the course of twenty-eight years, with assignments in Connecticut, Ohio, and since 1995, Northern New York.

I have known Adore and her husband Perry since they moved to New York, and we have worked on many projects which brought much needed employment to our community. During her tenure as CEO, she has helped to increase TDC's net worth by 248 percent, and doubled the number of staff. She was among those who were instrumental in bringing manufacturers like Nova Bus and Bombardier to our community. At a time when our country faces a jobs crisis, Ms. Kurtz demonstrates a distinguished record in job creation and economic development.

While I am saddened to see such an exceptional individual and good friend retire today, I will be forever grateful for the work that she has done for my constituents and New York's 23rd district. As reflected in her accomplishments, her dedication and commitment to public service will continue to live on for many years to come. I trust much more of her time will be spent with her husband, children and grandchildren.



# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S361–S393*

**Measures Introduced:** Five bills and one resolution were introduced, as follows: S. 2075–2079, and S. Res. 369. **Page S388**

**Measures Reported:**

S. 1108, to provide local communities with tools to make solar permitting more efficient, with an amendment. (S. Rept. No. 112–144)

S. 1142, to promote the mapping and development of the United States geothermal resources by establishing a direct loan program for high risk geothermal exploration wells, to amend the Energy Independence and Security Act of 2007 to improve geothermal energy technology and demonstrate the use of geothermal energy in large scale thermal applications, with amendments. (S. Rept. No. 112–145)

S. 1149, to expand geothermal production, with amendments. (S. Rept. No. 112–146)

S. 1160, to improve the administration of the Department of Energy, with an amendment in the nature of a substitute. (S. Rept. No. 112–147)

S. 432, to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin, with amendments. (S. Rept. No. 112–148)

S. 1925, to reauthorize the Violence Against Women Act of 1994, with an amendment in the nature of a substitute. **Page S388**

**Measures Passed:**

*Congratulating the New York Giants:* Senate agreed to S. Res. 369, congratulating the New York Giants for winning Super Bowl XLVI. **Page S392**

**Measures Considered:**

*Moving Ahead for Progress in the 21st Century—Cloture:* Senate began consideration of the motion to proceed to consideration of S. 1813, to reauthorize Federal-aid highway and highway safety construction programs. **Page S382**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII

of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of Tuesday, February 7, 2012, a vote on cloture will occur at 2:00 p.m. on Thursday, February 9, 2012. **Page S382**

A unanimous-consent agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of the bill, at approximately 11:00 a.m., on Thursday, February 9, 2012. **Page S392**

**Nomination Confirmed:** Senate confirmed the following nomination:

1 Air Force nomination in the rank of general.

**Page S393**

**Messages from the House:**

**Page S388**

**Measures Referred:**

**Page S388**

**Measures Read the First Time:**

**Pages S388, S392**

**Additional Cosponsors:**

**Pages S388–89**

**Statements on Introduced Bills/Resolutions:**

**Pages S389–91**

**Additional Statements:**

**Pages S386–88**

**Notices of Hearings/Meetings:**

**Page S391**

**Authorities for Committees to Meet:**

**Pages S391–92**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 7:18 p.m., until 9:30 a.m. on Thursday, February 9, 2012. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S392.)

### Committee Meetings

(Committees not listed did not meet)

#### UNITED STATES MONETARY AND FISCAL POLICY

*Committee on the Budget:* Committee concluded a hearing to examine the outlook for United States monetary and fiscal policy, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

**BUSINESS MEETING**

*Committee on Finance:* Committee ordered favorably reported an original bill entitled, "The Highway Investment, Job Creation and Economic Growth Act of 2012".

**NOMINATIONS**

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nominations of Larry Leon Palmer, of Georgia, to be Ambassador to Barbados, and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Phyllis Marie Powers, of Virginia, to be Ambassador to the Republic of Nicaragua, Jonathan Don Farrar, of California, to be Ambassador to the Republic of Panama, and Julissa Reynoso, of New York, to be Ambassador to the Oriental Republic of Uruguay, who was introduced by Senator Gillibrand, all of the Department of State, after the nominees testified and answer questions in their own behalf.

**NOMINATION**

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nomination of Nancy J. Powell, of Iowa, to be Ambassador to India, Department of State, after the nominee testified and answered questions in her own behalf.

**ACCESSIBLE TECHNOLOGY**

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine accessible technology, focusing on challenges and opportunities, after receiving testimony from Eve Hill, Senior Counselor to the Assistant Attorney General for Civil Rights, Department of Justice; Mark A. Riccobono, National Federation of the Blind Jernigan Institute, Baltimore, Maryland; John Quick, Bartholomew Consolidated School Corporation, Columbus, Indiana; and Mark Turner, California State University Center for Accessible Media, Long Beach.

**INTELLIGENCE**

*Select Committee on Intelligence:* Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

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# House of Representatives

**Chamber Action**

**Public Bills and Resolutions Introduced:** 63 public bills, H.R. 3911–3973 were introduced.

**Pages H567–71**

**Additional Cosponsors:**

**Pages H571–72**

**Report Filed:** A report was filed today as follows:

H. Res. 540, providing for consideration of the bill (H.R. 3521) to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for a legislative line-item veto to expedite consideration of rescissions, and for other purposes (H. Rept. 112–389).

**Page H567**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Young (IN) to act as Speaker pro tempore for today.

**Page H515**

**Recess:** The House recessed at 10:24 a.m. and reconvened at 12 noon.

**Page H518**

**Chaplain:** The prayer was offered by the guest chaplain, Rabbi Jeffrey Astrachan, Temple Beth Israel, York, Pennsylvania.

**Page H518**

**Civilian Property Realignment Act:** The House passed H.R. 1734, to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of federal buildings and other civilian real property, by a recorded vote of 259 ayes to 164 noes, Roll No. 38. Consideration of the measure began yesterday, February 6th. **Pages H529–30, H531–33**

Rejected the Michaud motion to recommit the bill to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 186 ayes to 238 noes, Roll No. 37.

**Pages H531–33**

Rejected:

Connolly (VA) amendment (No. 3 printed in H. Rept. 112–385) that was debated on February 6th that sought to protect the ability of Federal agencies to work with local governments to preserve appropriate excess Federal property as open space, eliminating Federal maintenance expenses while preserving public benefits (by a recorded vote of 191 ayes to 230 noes, Roll No. 36).

**Pages H529–30**

H. Res. 537, the rule providing for consideration of the bill, was agreed to yesterday.

**Oath of Office—First Congressional District of Oregon:** Representative-elect Suzanne Bonamici presented herself in the well of the House and was administered the Oath of Office by the Speaker. Earlier, the Clerk of the House transmitted a facsimile copy of a letter from Mr. Steve Trout, Director of Elections, Office of the Secretary of State, State of Oregon, indicating that, according to the unofficial returns of the Special Election held January 31, 2012, the Honorable Suzanne Bonamici was elected Representative to Congress for the First Congressional District, State of Oregon. **Page H566**

**Whole Number of the House:** The Speaker announced to the House that, in light of the administration of the oath to the gentlewoman from Oregon, Ms. Bonamici, the whole number of the House is 434. **Page H531**

**Budget and Accounting Transparency Act of 2012:** The House passed H.R. 3581, to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to increase transparency in Federal budgeting, by a recorded vote of 245 ayes to 180 noes, Roll No. 42. **Pages H523–29, H533–49**

Rejected the Walz (MN) motion to recommit the bill to the Committee on the Budget with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 190 yeas to 238 nays, Roll No. 41. **Pages H547–48**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of the Rules Committee Print 112–13 shall be considered as an original bill for the purpose of amendment under the five-minute rule, in lieu of the amendment in the nature of a substitute recommended by the Committee on the Budget now printed in the bill. **Page H542**

Rejected:

Tonko amendment (No. 3 printed in H. Rept. 112–388) that sought to establish a Commission of budgeting and accounting experts to provide recommendations to Congress regarding the best measure to accurately account for the costs of Federal credit programs. Would have allowed the Commission to delay and or supersede the provisions of the bill (by a recorded vote of 187 ayes to 238 noes, Roll No. 40). **Pages H545–47**

Withdrawn:

Dold amendment (No. 2 printed in H. Rept. 112–388) that was offered and subsequently withdrawn that would have required the OMB Director to prepare all budgets submitted to the President according to both accrual-basis and cash-basis GAAP accounting standards. **Pages H544–45**

H. Res. 539, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of

239 yeas to 181 nays, Roll No. 39, after the previous question was ordered without objection.

**Page H534**

**Notice of Intent to Offer Motion:** Representative Bishop (NY) announced his intent to offer a motion to instruct conferees on H.R. 3630. **Page H549**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated yesterday, February 6th:

**New York City Natural Gas Supply Enhancement Act:** H.R. 2606, amended, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area. **Page H549**

**Senate Message:** Message received from the Senate by the Clerk and subsequently presented to the House today appears on pages H519 and H530.

**Senate Referral:** S. 1794 was held at the desk.

**Page H519**

**Quorum Calls—Votes:** Two yea-and-nay votes and five recorded votes developed during the proceedings of today and appear on pages H529–30, H532–33, H533, H534, H546, H547–48 and H548. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:45 p.m.

## Committee Meetings

### LEGISLATIVE BRANCH APPROPRIATIONS

**Committee on Appropriations:** Subcommittee on Legislative Branch held a hearing on the FY 2013 budget request of the Library of Congress, Government Accountability Office, Government Printing Office, and Congressional Budget Office. Testimony was heard from James H. Billington, Librarian of Congress, Library of Congress; Gene L. Dodaro, Comptroller General, Government Accountability Office; Davita Vance-Cooks, Acting Public Printer, Government Printing Office; and Douglas Elmendorf, Director, Congressional Budget Office.

### NLRB RECESS APPOINTMENTS

**Committee on Education and the Workforce:** Full Committee held a hearing entitled “The NLRB Recess Appointments: Implications for America’s Workers and Employers”. Testimony was heard from public witnesses.

### MISCELLANEOUS MEASURES

**Committee on Energy and Commerce:** Full Committee continued markup of H.R. 3548, the “North American Energy Access Act”. The bill was ordered reported, as amended.

**MISCELLANEOUS MEASURES**

*Committee on Financial Services:* Subcommittee on Insurance, Housing and Community Opportunity held a markup of the following: the “Affordable Housing and Self-Sufficiency Improvement Act of 2012”; the “FHA Emergency Fiscal Solvency Act of 2012”; and H.R. 32, the “Homeless Children and Youth Act of 2011”. The discussion draft of the “Affordable Housing and Self-Sufficiency Improvement Act of 2012” was forwarded without amendment. The following were forwarded, as amended: discussion draft of the “FHA Emergency Fiscal Solvency Act of 2012”; and H.R. 32.

**EXPORT CONTROLS, ARMS SALES, AND REFORM**

*Committee on Foreign Affairs:* Full Committee held a hearing entitled “Export Controls, Arms Sales, and Reform: Balancing U.S. Interests, Part II”. Testimony was heard from public witnesses.

**U.S.-PHILIPPINES ALLIANCE**

*Committee on Foreign Affairs:* Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing entitled “The U.S.-Philippines Alliance: Deepening the Security and Trade Partnership”. Testimony was heard from Kurt Campbell, Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State; and Peter Lavoy, Acting Assistant Secretary of Defense, Asian and Pacific Security Affairs, Department of Defense.

**BALANCING MARITIME SECURITY AND TRADE FACILITATION**

*Committee on Homeland Security:* Subcommittee on Border and Maritime Security held a hearing entitled “Balancing Maritime Security and Trade Facilitation: Protecting our Ports, Increasing Commerce and Securing the Supply Chain—Part I”. Testimony was heard from Representative Nadler; David Heyman, Assistant Secretary, Office of Policy, Department of Homeland Security; Kevin McAleenan, Acting Assistant Commissioner, Office of Field Operations, Customs and Border Protection, Department of Homeland Security; Rear Admiral Paul Zukunft, Assistant Commandant for Marine Safety, Security and Stewardship, U.S. Coast Guard, Department of Homeland Security; and Stephen Caldwell, Director, Maritime and Coast Guard Issues, Homeland Security and Justice Team, Government Accountability Office.

**SCREENING PARTNERSHIP PROGRAM**

*Committee on Homeland Security:* Subcommittee on Transportation Security began a hearing entitled “Screening Partnership Program: Why is a Job-Creating, Public-Private Partnership Meeting Resistance

at TSA?” Testimony was heard from John S. Pistole, Administrator, Transportation Security Administration; and public witnesses. This hearing will reconvene at a date and time to be announced.

**MISCELLANEOUS MEASURE**

*Committee on the Judiciary:* Full Committee continued markup of H.R. 3541, the “Susan B. Anthony and Frederick Douglass Prenatal Nondiscrimination Act of 2011”.

**WATER FOR OUR FUTURE AND JOB CREATION**

*Committee on Natural Resources:* Subcommittee on Water and Power held a hearing entitled “Water for Our Future and Job Creation: Examining Regulatory and Bureaucratic Barriers to New Surface Storage Infrastructure”. Testimony was heard from Michael Gabaldon, Director, Technical Resources, Bureau of Reclamation; and public witnesses.

**LEGISLATIVE MEASURE**

*Committee on Natural Resources:* Subcommittee on Indian and Alaska Native Affairs held a hearing on H.R. 3532, the “American Indian Empowerment Act of 2011”. Testimony was heard from Donald “Del” Laverdure, Principal Deputy Assistant Secretary for Indian Affairs, Department of the Interior; and public witnesses.

**JOBS FOR WOUNDED WARRIORS**

*Committee on Oversight and Government Reform:* Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform held a hearing entitled “Jobs for Wounded Warriors: Increasing Access to Contracts for Service Disabled Veterans”. Testimony was heard from Representative Johnson of Ohio; Senator Cleland; Belinda Finn, Assistant Inspector General, Veterans Administration, Office of the Inspectors General; James J. O'Neill, Assistant IG for Investigations, VA Office of Inspectors General; Richard Hillman, Managing Director of Forensic Audits and Investigative Services, Government Accountability Office; Andrew Gudger, Director, Office of Small Business Programs, Office of the Undersecretary of Defense, Acquisition, Technology and Logistics, Department of Defense; Thomas Leney, Executive Director, Small and Veteran Owned Business Programs, Department of Veterans Affairs; and public witnesses.

**IMPROPER PAYMENTS TOTAL \$115 BILLION IN FEDERAL MISSPENDING**

*Committee on Oversight and Government Reform:* Subcommittee on Government Organization, Efficiency and Financial Management held a hearing entitled “Solutions Needed: Improper Payments Total \$115

Billion in Federal Misspending”. Testimony was heard from Senator Carper; Daniel I. Werfel, Controller, Office of Federal Financial Management, Office of Management and Budget; Beryl Davis, Director, Financial Management and Assurance, Government Accountability Office; and public witness.

#### MISCELLANEOUS MEASURES

*Committee on Oversight and Government Reform:* Full Committee held a markup of the District of Columbia Special Elections Reform Act; H.R. 3813, the “Securing Annuities for Federal Employees Act of 2012”; H.R. 3276, to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the “Reverend Abe Brown Post Office Building”; H.R. 3378, to designate the facility of the United States Postal Service located at 220 Elm Avenue in Munising, Michigan, as the “Elizabeth L. Kinnunen Post Office Building”; H.R. 3412, to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the “Sergeant Richard Franklin Abshire Post Office Building”; H.R. 3413, to designate the facility of the United States Postal Service located at 1449 West Avenue in Bronx, New York, as the “Private Isaac T. Cortes Post Office”; H.R. 3477, to designate the facility of the United States Postal Service located at 133 Hare Road in Crosby, Texas, as the “Army First Sergeant David McNerney Post Office Building”; H.R. 3501, to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the “SPC Nicholas Scott Hartge Post Office”; H.R. 3593, to designate the facility of the United States Postal Service located at 787 State Route 17M in Monroe, New York, as the “National Clandestine Service of the Central Intelligence Agency NCS Officer Gregg David Wenzel Memorial Post Office”; H.R. 3637, to designate the facility of the United States Postal Service located at 401 Old Dixie Highway in Jupiter, Florida, as the “Roy Schallern Rood Post Office Building”; H.R. 3772, to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the “First Sergeant Landres Cheeks Post Office Building”; H.R. 3869, to designate the facility of the United States Postal Service located at 600 East Capitol Avenue in Little Rock, Arkansas, as the “Sidney ‘Sid’ Sanders McMath Post Office Building”; H.R. 3870, to designate the facility of the United States Postal Service located at 6083 Highway 36 West in Rose Bud, Arkansas, as the “Nicky ‘Nick’ Daniel Bacon Post Office”; and H.R. 3892, to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California,

as the “Private First Class Victor A. Dew Post Office”.

The following were ordered reported without amendment: H.R. 3276, H.R. 3378, H.R. 3412, H.R. 3413, H.R. 3477, H.R. 3501, H.R. 3593, H.R. 3637, H.R. 3772, H.R. 3869, H.R. 3870, and H.R. 3892, and H.R. 3902.

The following were ordered reported, as amended: H.R. 3813.

#### EXPEDITED LINE-ITEM VETO AND RESCISSIONS ACT OF 2011

*Committee on Rules:* Full Committee continued a hearing on H.R. 3521, the “Expedited Line-Item Veto and Rescissions Act of 2011”. The Committee granted, by record vote of 7 to 4, a structured rule providing one hour of general debate equally divided among and controlled by the chair and ranking minority member of the Committee on the Budget and Representative Simpson of Idaho or his designee. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for purpose of amendment the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–12, and provides that it shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute made in order as original text. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The rule waives all points of order against the amendments printed in the Rules Committee report. The rule provides one motion to recommit with or without instructions. Finally, the rule provides that it shall be in order at any time through the legislative day of February 9, 2012, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure addressing securities trading based on nonpublic information.

#### MISCELLANEOUS MEASURES

*Committee on Science, Space, and Technology:* Full Committee held a markup of the following: H.R. 3834, the “Advancing America’s Networking and Information Technology Research and Development Act of 2012”; and H.R. 3199, to provide a comprehensive assessment of the scientific and technical research on the implications of the use of mid-level ethanol

blends, and for other purposes. Both bills were ordered reported, as amended.

### PROGRAMS THAT REWARD PHYSICIANS WHO DELIVER HIGH QUALITY AND EFFICIENT CARE

*Committee on Ways and Means:* Subcommittee on Health held a hearing on “Programs that Reward Physicians Who Deliver High Quality and Efficient Care”. Testimony was heard from public witnesses.

## Joint Meetings

### PAYROLL TAX CUT AND UNEMPLOYMENT INSURANCE BENEFITS

*Joint Economic Committee:* Committee concluded a hearing to examine bolstering the economy, focusing on helping American families by reauthorizing the payroll tax cut and unemployment insurance benefits, after receiving testimony from Mark W. Everson, Indiana Department of Workforce Development Commissioner, Indianapolis; Mark Zandi, Moody’s Analytics, Philadelphia, Pennsylvania; and James Sherk, Heritage Foundation, and Judith M. Conti, National Employment Law Project, both of Washington, D.C.

### TEMPORARY PAYROLL TAX CUT CONTINUATION ACT

*Conferees* met to resolve the differences between the Senate and House passed versions of H.R. 3630, to extend the payroll tax holiday, unemployment compensation, Medicare physician payment, provide for the consideration of the Keystone XL pipeline, but did not complete action thereon, and recessed subject to the call.

## COMMITTEE MEETINGS FOR WEDNESDAY, FEBRUARY 8, 2012

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

*Committee on Appropriations,* Subcommittee on Defense, hearing on Military Health Systems Governance—Army, Navy and Air Force Surgeons General, 10 a.m., 2359 Rayburn.

Subcommittee on Legislative Branch, hearing on the U.S. Capitol Police FY 2013 budget request, 10 a.m., HT-2 Capitol.

*Committee on Energy and Commerce,* Subcommittee on Communications and Technology, hearing entitled “Cybersecurity: Threats to Communications Networks and Private-Sector Responses”, 9:30 a.m., 2322 Rayburn.

Subcommittee on Energy and Power, hearing entitled “The American Energy Initiative: What EPA’s Utility MACT Rule Will Cost U.S. Consumers”, 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Financial Institutions and Consumer Credit, hearing entitled “Legislative Proposals to Promote Accountability and Transparency at the Consumer Financial Protection Bureau”, 10 a.m., 2128 Rayburn.

Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled “Limiting the Extraterritorial Impact of Title VII of the Dodd-Frank Act”, 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs,* Subcommittee on Africa, Global Health, and Human Rights, markup of the following: H.R. 1410, the “Vietnam Human Rights Act of 2011” and H. Res. 361, concerning efforts to provide humanitarian relief to mitigate the effects of drought and avert famine in the Horn of Africa, particularly Somalia, Ethiopia, Djibouti, and Kenya, 2 p.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing on Baluchistan, 2:30 p.m., 2200 Rayburn.

*Committee on the Judiciary,* Subcommittee on Crime, Terrorism, and Homeland Security, hearing entitled “Combating Transnational Organized Crime: International Money Laundering as a Threat to our Financial Systems”, 10 a.m., 2141 Rayburn.

Full Committee, continue markup of H.R. 3541, the “Susan B. Anthony and Frederick Douglass Prenatal Non-discrimination Act of 2011”, 1 p.m., 2141 Rayburn.

*Committee on Oversight and Government Reform,* Full Committee, hearing entitled “The Right to Choose: Protecting Union Workers from Forced Political Contributions”, 10 a.m., 2154 Rayburn.

*Committee on Science, Space, and Technology,* Full Committee, hearing entitled “Assessing America’s Nuclear Future—A Review of the Blue Ribbon Commission’s Report to the Secretary of Energy”, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* Full Committee, hearing entitled “Placing Federal Tax Dollars at Risk: How the Small Business Administration Mismanages the Modernization of its Information Technology”, 1 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Aviation, hearing entitled “A Review of Issues Associated with Protecting and Improving our Nation’s Aviation Satellite-based Global Positioning System Infrastructure”, 11 a.m., 2167 Rayburn.

*Committee on Ways and Means,* Full Committee, hearing on the interaction of tax policy and financial accounting rules (such as Generally Accepted Accounting Principles, or “GAAP”), and how this interaction affects how publicly traded companies respond to tax policy, 9 a.m., 1100 Longworth.

## Joint Meetings

*Commission on Security and Cooperation in Europe:* to hold hearings to examine Ireland’s leadership of the Organization for Security and Cooperation in Europe (OSCE), focusing on its future year-long leadership of the 56-nation

OSCE, based in Vienna, Austria, and its work in promoting democracy, human rights and the rule of law, 11:30 a.m., B318, Rayburn Building.



*Next Meeting of the SENATE*

9:30 a.m., Thursday, February 9

## Senate Chamber

**Program for Thursday:** After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will resume consideration of the motion to proceed to consideration of S. 1813, Moving Ahead for Progress in the 21st Century, with a vote on the motion to invoke cloture on the motion to proceed to consideration of the bill at 2 p.m.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

10 a.m., Wednesday, February 8

## House Chamber

**Program for Wednesday:** Consideration of H.R. 3521—Expedited Legislative Line-Item Veto and Rescissions Act (Subject to a Rule).

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